DOCUMENT RESUME

ED 283 352 EC 192 782

TITLE	Progress of Compliance with Public Law 94-142. Oversight Hearing before the Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia. House of Representatives, Ninety-Ninth Congress, Second Session on the Progress Being Made by the District of Columbia To Comply with the Education for All Handicapped Children Act.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on the District of Columbia.
PUB DATE	20 Jun 86
NOTE	333p.; Serial No. 99-21. Some pages contain small, light type.
AVAILABLE FROM	Superintendent of Documents, Congressional Sales Office, U.S. Government Printing Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC14 Plus Postage.
DESCRIPTORS	*Compliance (Legal); *Disabilities; *Educational Legislation; Elementary Secondary Education; Federal Legislation; Hearings; School Districts; Urban Education
IDENTIFIERS	Congress 99th; *District of Columbia; Education for All Handicapped Children Act

ABSTRACT

The report of the hearings before the House of Representatives subcommittee is concerned with progress being made by the District of Columbia to comply with the Education for All Handicapped Children Act. Major statements are included from officials representing the General Accounting Office, and the District's Department of Human Services, Commission on Social Services, mayor's office, superintendent of schools, and director of courts, social service division. Submitted for the record is the District of Columbia's Department of Human Services response to the Accounting Office report on efforts to comply with Public Law 94-142. Appendixes include additional questions and responses, relevant letters, and sections from the text of P.L. 94-142. (DB)

****
*   Reproductions supplied by EDRS are the best that can be made   *
*   from the original document.   *
****

PROGRESS OF COMPLIANCE WITH PUBLIC LAW 94-142

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

ON

THE PROGRESS BEING MADE BY THE DISTRICT OF COLUMBIA TO COMPLY WITH THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

JUNE 20, 1986

Serial No. 99-21

Printed for the use of the
Committee on the District of Columbia

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it
☐ Minor changes have been made to improve reproduction quality

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

COMPLIMENTS OF

Connie Morella

U.S. GOVERNMENT PRINTING OFFICE
63-393 O WASHINGTON : 1986

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

ED283352
EC192782

BEST COPY AVAILABLE

COMMITTEE ON THE DISTRICT OF COLUMBIA

RONALD V. DELLUMS, California, *Chairman*

WALTER E. FAUNTROY,
  District of Columbia
ROMANO L. MAZZOLI, Kentucky
FORTNEY H. (PETE) STARK, California
WILLIAM H. GRAY III, Pennsylvania
MICHAEL D. BARNES, Maryland
MERVYN M. DYMALLY, California
ALAN D. WHEAT, Missouri

STEWART B. McKINNEY, Connecticut
STANFORD E. (STAN) PARRIS, Virginia
THOMAS J. BLILEY, Jr., Virginia
LARRY COMBEST, Texas

Edward C. Sylvester, Jr., *Staff Director*
John Gnorski, *Minority Staff Director*

Subcommittee on Fiscal Affairs and Health

WALTER E. FAUNTROY, District of Columbia, *Chairman*

RONALD V. DELLUMS, California
FORTNEY H. (PETE) STARK, California
WILLIAM H. GRAY III, Pennsylvania

STEWART B. McKINNEY, Connecticut
STANFORD E. (STAN) PARRIS, Virginia
THOMAS J. BLILEY, Jr., Virginia

ED283325

CONTENTS

Page
Staff summary of findings and conclusions v

STATEMENTS

Dodaro, Gene, Associate Director, General Government Division, General Accounting Office; and Anthony N. Salvemini, Senior Evaluator, Washington Regional Office, General Accounting Office:
  Dodaro, Gene 14
  Salvemini, Anthony N 17
    Prepared statements with attachment 23
Downs, Thomas, city administrator, deputy mayor for operations, District of Columbia; David E. Rivers, director, D.C. Department of Human Services; Audrey Rowe, commissioner, D.C. Commission on Social Services, Department of Human Services:
  Downs, Thomas 76
  Rivers, David E 96
  Rowe, Audrey 115
    Prepared statement with attachments 119
Fauntroy, Hon. Walter E., opening statement 1
  Prepared closing statement 166
McKenzie, Dr. Floretta, superintendent, D.C. schools 159
McKinney, Hon. Stewart B 9
Schuman, Alan M., director, D.C. courts, social services division 74

MATERIAL SUBMITTED FOR THE RECORD

"A Youth Services System in Transition," D.C. Department of Human Services' response to the U.S. General Accounting Office report on efforts to comply with Public Law 94-142 143

APPENDIX

Downs, Thomas M., city administrator/deputy mayor for operations; letter to Hon. Stewart B. McKinney, dated August 22, 1986, submitting answers to questions and submitting additional material for the record 201
McKenzie, Dr. Floretta Dukes, superintendent of schools, questions from Mr. McKinney and responses to 190
McKinney, Hon. Stewart B.; letters to:
  Anthony N. Salvemini, Senior Evaluator, U.S. General Accounting Office, submitting questions to be answered, dated July 2, 1986 171
  Doris L. Dixon, Legislative Affairs Specialist, U.S. Department of Education, submitting questions to be answered, dated July 2, 1986 179
  Dr. Floretta Dukes McKenzie, superintendent of D.C. schools, submitting questions to be answered, dated July 2, 1986 189
  Thomas Downs, deputy mayor for operations, D.C. government, submitting questions to be answered, dated July 2, 1986 200
Public Law 94-142 308
U.S. Department of Education, questions from Mr. McKinney and responses to 180
U.S. General Accounting Office, Anthony N. Salvemini, Senior Evaluator; letter to Hon. Stewart B. McKinney, dated July 15, 1986, re questions submitted and answers to with attachments 172

STAFF SUMMARY OF FINDINGS AND CONCLUSIONS

The oversight hearing on June 20, 1986, was the second in a series of hearings on the progress being made by the District of Columbia toward full compliance with Public Law 94-142, the Education for All Handicapped Children Act. The first hearing was held on September 10, 1985. At issue was whether or not the city has made a good faith effort to bring its present system of service delivery into compliance with the spirit and letter of the law of Public Law 94-142.

At the request of Congressmen Fauntroy and McKinney, the GAO began an indepth investigation of the city's education for handicapped delinquents. The results of that investigation and the District's response to it were the basis for this hearing. According to GAO testimony, the District had failed to comply fully with Public Law 94-142 and had failed to satisfy certain specific instructions by the ranking Republican member of the full committee. Also they had failed to fulfill commitments made to bring affected agencies into compliance by January 1986.

In response to testimony given by GAO, representatives from the District argued that they were in fact making the appropriate changes and that any failure to comply was due to not having a clear understanding from GAO regarding those areas found out of compliance.

It is the opinion of the staff that the District failed to satisfy commitments made to the Congress as well as failing to comply with Public Law 94-142, as stated by GAO. However, staff also found that the District is no further out of compliance than any other jurisdiction of its size and makeup.

PROGRESS BEING MADE TOWARD IMPLEMENTATION OF PUBLIC LAW 94-142, EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

FRIDAY, JUNE 20, 1986

House of Representatives,
Subcommittee on Fiscal Affairs and Health,
Committee on the District of Columbia,
Washington, DC.

The subcommittee met, pursuant to call, at 12 noon, in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Representatives Fauntroy and McKinney.

Also present: Edward C. Sylvester, Jr., staff director; Ronald C. Willis, staff assistant; Johnny Barnes, and Donald M. Temple, senior staff counsels; Donn G. Davis, senior legislative associate; John Gnorski, minority staff director; Roberta J. Messalle, Ronald P. Hamm, and Shahid Z. Abdullah, minority staff assistants; and Stephanie White, minority staff counsel.

Mr. Fauntroy. It is 12 noon, and as is always the case, when hearings are held on Capitol Hill, we convene promptly. And with that, I call the hearing to order.

The Subcommittee on Fiscal Affairs and Health continues its oversight hearing on the progress being made by the District of Columbia toward implementation of Public Law 94-142, "The Education for All Handicapped Children Act."

During the course of the first hearing on Public Law 94-142, which was held on September 10, 1985, the committee heard from various witnesses in response to complaints about inadequate education for handicapped delinquents in the District of Columbia. I believe my closing statement for the September 10, 1985 hearing reflected the grave concern I expressed then and feel today.

First, there was an obvious lack of coordination between the D.C. schools, the D.C. Superior Court, and the D.C. Department of Human Services.

Second, the U.S. Department of Education failed to perform adequate oversight.

Third, we have a legal and moral obligation to provide an adequate education for all the District's children.

Fourth, we expected the D.C. schools, the D.C. Superior Court, and the D.C. Department of Human Services to develop a written plan within 90 days of the hearing. Such a plan would spell out the means by which the aforementioned entities expect to coordinate activities based on the findings and recommendations of the General Accounting Office to achieve compliance with Public Law 94-142 and the Mills decree, the results of *Mills* v. *Board of Education* of the District of Columbia. Mr. McKinney and I also requested the GAO to monitor the District's program.

For the past 22 months, congressional and Federal investigators have been combing the files of the Youth Services Agency, to such an extent that evidence is now available to suggest possible illegal activity on the part of some Youth Services Agency employees. That information has been given to the appropriate authorities for whatever action they deem necessary. In addition, testimony given September 10, 1985, indicated certain real and substantive changes needed to be made within the Department of Human Services, Department of Education, and D.C. Superior Court, to bring those agencies into further compliance with Public Law 94-142. In response to requests at the last hearing, on May 30, 1986, city administrator, Thomas Downs, submitted "The Interagency Implementation of Public Law 94-142," which spells out in detail the District's plan to comply with Public Law 94-142 by September 1986.

Of particular interest to me are answers to questions concerning where the District stands in the national picture concerning compliance with Public Law 94-142. I have noted that the majority staff raised this very question at the GAO briefing prior to the 1985 hearing and that it was not pursued to any great length in testimony given. In light of this, I believe the following statistics will help to keep us in perspective:

One, since the *Mills* decision of 1970, there have been 46 cases in 28 States which are completed or still pending regarding the right of all children to an equal education, one which is extended into the very areas of concern of this hearing.

Two, according to the seventh annual report to Congress on the implementation of the education of the handicapped, issued in 1985, 76 percent of those States monitored by the Department of Education were found to be in noncompliance with the Education of the Handicapped Act in the following areas:

One, interagency agreements are not enforced.

Two, there is a lack of Special Education Act monitoring of correctional facilities.

Three, Education of Handicapped Act requirements are not implemented in youth in custody facilities.

Four, parents of adjudicated/incarcerated handicapped youth must pay for education facilities.

Five, programs in State operated facilities do not meet State education standards.

Six, due process procedures are not available to individuals in correctional centers.

Seven, special education administrations do not supervise adult correction education programs or those in private schools.

In short, several other cities and States are in noncompliance with the Education of Handicapped Act in areas not unlike that of the District of Columbia. This is said not to excuse the deficiency that exists within the District, but to put them in a national perspective. The fact that we have a problem with compliance with Public Law 94-142 and its related amendments is a national disgrace reaching far beyond the boundaries of the government of the

District of Columbia. It goes as far as the Federal Department of Education and this administration's unwillingness to enforce the law by providing both the funding and the technical assistance needed to ensure compliance with Public Law 94-142—a national education priority.

In fairness to the representatives from the city, I wish to note that the committee is aware of the recent personnel and administrative changes that have taken place in the Department of Human Services Youth Services Agency and that the witnesses representing the city may be at a disadvantage at this point. Nevertheless, hopefully the information you provide will be useful to our deliberations.

I now yield to our distinguished colleague from Connecticut, the ranking minority member, Mr. McKinney, who has been so very interested in this area and has been certainly the conscience of the Congress on Public Law 94-142. Thank you.

[The prepared statement of Mr. Fauntroy follows:]

U.S. HOUSE OF REPRESENTATIVES

OPENING STATEMENT

THE HONORABLE WALTER E. FAUNTROY

"HEARING ON PROGRESS IN THE DISTRICT OF COLUMBIA ON THE IMPLEMENTATION OF P.L. 94-142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT."

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

FRIDAY, JUNE 20, 1986
12:00 NOON

HEARING ROOM
1310 LONGWORTH HOB

GOOD AFTERNOON

TODAY, THE SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH CONTINUES IT'S OVERSIGHT HEARING ON THE PROGRESS BEING MADE BY THE DISTRICT OF COLUMBIA TOWARD IMPLEMENTATION OF P.L. 94-142, "THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT."

DURING THE COURSE OF THE FIRST HEARING ON P.L. 94-142 WHICH WAS HELD ON SEPTEMBER 10, 1985, THE COMMITTEE HEARD FROM VARIOUS WITNESSES IN RESPONSE TO COMPLAINTS ABOUT INADEQUATE EDUCATION FOR HANDICAPPED DELIQUENTS IN THE DISTRICT OF COLUMBIA. I BELIEVE MY CLOSING STATEMENT FOR THE SEPTEMBER 10, 1985, HEARING REFLECTED THE GRAVE CONCERN I EXPRESSED THEN AND FEEL TODAY.

1ST - THERE WAS AN OBVIOUS LACK OF COORDINATION BETWEEN THE DISTRICT OF COLUMBIA SCHOOLS, THE DISTRICT OF COLUMBIA SUPERIOR COURT, AND THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES.

2ND - THE UNITED STATES DEPARTMENT OF EDUCATION FAILED TO PERFORM ADEQUATE OVERSIGHT.

3RD - WE HAVE A LEGAL AND MORAL OBLIGATION TO PROVIDE AN ADEQUATE EDUCATION FOR ALL THE DISTRICT'S CHILDREN.

4TH - WE EXPECTED THE DISTRICT OF COLUMBIA SCHOOLS, THE DISTRICT OF COLUMBIA SUPERIOR COURT AND THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES TO DEVELOP A WRITTEN PLAN WITHIN 90 DAYS OF THE HEARING. SUCH A PLAN WOULD SPELL OUT THE MEANS BY WHICH THE

AFOREMENTIONED ENTITIES EXPECT TO COORDINATE ACTIVITIES BASED ON THE FINDINGS AND RECOMMENDATIONS OF THE GENERAL ACCOUNTING OFFICE TO ACHIEVE COMPLIANCE WITH P.L. 94-142 AND THE MILLS DECREE, THE RESULT OF MILLS VS. THE BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA. MR. MCKINNEY AND I ALSO REQUESTED THE G.A.O. TO MONITOR THE DISTRICT'S PROGRAM.

FOR THE PAST 22 MONTHS, CONGRESSIONAL AND FEDERAL INVESTIGATORS HAVE BEEN COMBING THE FILES OF THE YOUTH SERVICES AGENCY, TO SUCH AN EXTENT THAT EVIDENCE IS NOW AVAILABLE TO SUGGEST POSSIBLE ILLEGAL ACTIVITY ON THE PART OF SOME YOUTH SERVICES AGENCY EMPLOYEES. THAT INFORMATION HAS BEEN GIVEN TO THE APPROPRIATE AUTHORITIES FOR WHATEVER ACTION THEY DEEM NECESSARY. IN ADDITION, TESTIMONY GIVEN SEPTEMBER 10, 1985, INDICATED CERTAIN REAL AND SUBSTANTIVE CHANGES NEEDED TO BE MADE WITHIN THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF EDUCATION, AND D.C. SUPERIOR COURT, TO BRING THOSE AGENCIES INTO FURTHER COMPLIANCE WITH P.L. 94-142. IN RESPONSE TO REQUESTS AT THE LAST HEARING, ON MAY 30, 1986, CITY ADMINISTRATOR, THOMAS DOWNS, SUBMITTED "THE INTERAGENCY IMPLEMENTATION OF P.L. 94-142," WHICH SPELLS OUT IN DETAIL THE DISTRICT PLAN TO COMPLY WITH P.L. 94-142, BY SEPTEMBER 1986.

OF PARTICULAR INTEREST TO ME ARE ANSWERS TO QUESTIONS CONCERNING WHERE THE DISTRICT STANDS IN THE NATIONAL PICTURE CONCERNING COMPLIANCE WITH P.L. 94-142. I HAVE NOTED THAT MAJORITY STAFF RAISED THIS VERY QUESTION AT THE G.A.O. BRIEFING PRIOR TO THE 1985 HEARING, AND THAT IT WAS NOT PURSUED TO ANY GREAT LENGTH IN

TESTIMONY GIVEN. IN LIGHT OF THIS, I BELIEVE THE FOLLOWING STATISTICS WILL HELP TO KEEP US IN PERSPECTIVE:

1. SINCE THE MILLS DECISION OF 1970, THERE HAVE BEEN 46 CASES IN 28 STATES WHICH ARE COMPLETED OR STILL PENDING REGARDING THE RIGHT OF ALL CHILDREN TO AN EQUAL EDUCATION, ONE WHICH IS EXTENDED INTO THE VERY AREAS OF CONCERN OF THIS HEARING.

2. ACCORDING TO THE SEVENTH ANNUAL REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE EDUCATION OF THE HANDICAPPED, ISSUED IN 1985, SEVENTY-SIX PERCENT OF THOSE STATES MONITORED BY THE DEPARTMENT OF EDUCATION WERE FOUND TO BE IN NONCOMPLIANCE WITH THE EDUCATION OF THE HANDICAPPED ACT, IN THE FOLLOWING AREAS:

    1. INTERAGENCY AGREEMENTS ARE NOT ENFORCED.

    2. THERE IS A LACK OF SPECIAL EDUCATION ACT MONITORING OF CORRECTIONAL FACILITIES.

    3. EDUCATION OF HANDICAPPED ACT REQUIREMENTS ARE NOT IMPLEMENTED IN YOUTH IN CUSTODY FACILITIES.

    4. PARENTS OF ADJUDICATED/INCARCERATED HANDICAPPED YOUTH MUST PAY FOR EDUCATION FACILITIES.

    5. PROGRAMS IN STATE OPERATED FACILITIES DO NOT MEET

STATE EDUCATION STANDARDS.

6. DUE PROCESS PROCEDURES ARE NOT AVAILABLE TO INDIVIDUALS IN CORRECTIONAL CENTERS.

7. SPECIAL EDUCATION ADMINISTRATIONS DO NOT SUPERVISE ADULT CORRECTION EDUCATION PROGRAMS OR THOSE IN PRIVATE SCHOOLS.

IN SHORT, SEVERAL OTHER CITIES AND STATES ARE IN NONCOMPLIANCE WITH THE EDUCATION OF HANDICAPPED ACT IN AREAS NOT UNLIKE THAT OF THE DISTRICT OF COLUMBIA. THIS IS SAID NOT TO EXCUSE THE DEFICIENCY THAT EXISTS WITHIN THE DISTRICT, BUT TO PUT THEM IN A NATIONAL PERSPECTIVE. THE FACT THAT WE HAVE A PROBLEM WITH COMPLIANCE WITH P.L. 94-142 AND ITS RELATED AMENDMENTS IS A NATIONAL DISGRACE REACHING FAR BEYOND THE BOUNDARIES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA. IT GOES AS FAR AS THE FEDERAL DEPARTMENT OF EDUCATION AND THIS ADMINISTRATION'S UNWILLINGNESS TO ENFORCE THE LAW BY PROVIDING BOTH THE FUNDING AND THE TECHNICAL ASSISTANCE NEEDED TO ENSURE COMPLIANCE WITH P.L. 94-142 -- A NATIONAL EDUCATION PRIORITY.

IN FAIRNESS TO THE REPRESENTATIVES FROM THE CITY, I WISH TO NOTE THAT THE COMMITTEE IS AWARE OF THE RECENT PERSONNEL AND ADMINISTRATIVE CHANGES THAT HAVE TAKEN PLACE IN THE DEPARTMENT OF HUMAN SERVICES YOUTH SERVICES AGENCY AND THAT THE WITNESSES REPRESENTING THE CITY MAY BE AT A DISADVANTAGE AT THIS POINT. NEVERTHELESS, HOPEFULLY THE INFORMATION YOU PROVIDE WILL BE USEFUL TO OUR DELIBERATIONS.

I NOW YIELD TO OUR DISTINGUISHED COLLEAGUE FROM CONNECTICUT, THE RANKING MINORITY MEMBER, MR. MCKINNEY, FOR ANY OPENING REMARKS HE MAY WISH TO MAKE.

Mr. McKINNEY. Thank you, Mr. Chairman.

I would just say, before I start my formal testimony, that Senator Weicker and myself have been very interested in this, and in section 504, and have not let Connecticut loose from the grasp of requiring from them what the law requires, and now I feel my Federal constitutional role here requires that I do the same with this city.

It has been over 2 years since I first heard reports of violations by the District of Columbia of a Federal law guaranteeing special education to certain youngsters. Congress passed Public Law 94-142 so that handicapped children throughout the country—regardless of circumstances or where the child lived—would get the kind of education needed to become useful adults.

I have been and remain a consistent and strong supporter of this city's right to govern itself. But the special education law is a Federal law, and I have a responsibility, as well as a commitment, to see that all handicapped children get the benefits of that law. I asked the General Accounting Office to investigate the reports of violations, and last September this committee held hearings on the matter. GAO's findings confirmed the reports. Learning-handicapped delinquents in this city are not getting special education.

I was so distressed by what I heard during those hearings that I asked GAO to continue monitoring the problem and to find out why there was no special education for kids held by the Youth Services Administration. I asked for a review of the employees, contractors, and management. GAO has kept me well advised of their findings during the entire 22 months of their work. Their final report exposes management, contracting, and personnel problems that are beyond belief.

I am outraged that contractors are being paid for their expenses without showing any receipts to back up those costs. Contrary to law and any sense of fairness, most contracts are awarded without going through the competitive review process. Some contractors even began work before a request for a bid on the work went out. More shocking, contractors are paid at a fixed rate, although they deliver only a portion of the services they are contracted to provide. Millions of dollars are wasted or mismanaged while the most needy of this city's children go without an education.

We will hear from GAO that the situation has actually gotten worse since September 10, 1985, a mind-boggling finding. In the last pay period, overtime pay was up $130,000. The overtime pay for 1983, 1984, and 1985 comes to a total of $8.4 million. The special education has dropped from 5 hours per child, to 3, and I could go on and on, but we will hear from GAO.

Despite DHS's confession of errors the other day, I am appalled at the city's long-term lack of responsiveness—lack of caring—in this matter. Without help, these kids are surely going to end up in Lorton. Their lives are being ruined, wasted, while millions of dollars are squandered on unnecessary overtime payments, or payments made to employees who are not even on their jobs.

I am also shocked by the failure of the U.S. Department of Education to enforce this law. Its responsibility is to monitor and enforce compliance, yet it continues to pay out taxpayers' money for special education despite clear proof that none is being given to an entire group of kids, and, as the chairman says, in many States instead of strong enforcement and technical help, it merely issues recommendations for compliance. We all know how far recommendations go in this town.

With all this lack of concern and muscle for the protection of our laws and our money and our children, there is no one else left but Congress to step in and intervene. And there are even limitations on that. I would have put each witness under oath today. I know this committee received some questionable responses to my questions last September. But the rules of this particular committee are so archaic, so restrictive, that I can't do that. I will propose changes to those rules, but these other problems can't wait that long, and I am determined to see the Youth Services Administration cleaned up once and for all. So I am going to do the best I can. I am going to ask GAO to continue working closely with the U.S. attorney's office and the FBI until their investigations are completed and fully resolved.

I have been assured that GAO has discussed its findings with the city before this hearing and am anxious to hear how they are going to fix this sorry state of affairs. I know they have made some administrative changes recently, and I know the Mayor, and I really believe this, has expressed concern about the problems in youth services. But I am not convinced changes will come easily. There is a long history of unwillingness to give special education to juvenile delinquents, and that is a problem within the system and within our society. It will take some drastic changes in how the Agency operates to clean them up. I hope the city has some plans for that, because I can assure you that my outside interference will continue until this problem is solved.

Mr. FAUNTROY. I thank the gentleman for his very kind statement to the point of why this hearing is so important.

Let me now turn to the witness list and, as you indicated, our first witnesses are from the General Accounting Office. I am going to ask Mr. Dodaro and Mr. Salvemini to come to the witness table. As they do, let me express my appreciation and that of the committee for the thorough job GAO has done at our request. You have honored both the Agency and country with the caliber of your work here.

I note that you have 37 pages of testimony, and I know that you will want to provide the committee with the full extent of your findings and how you arrived at what conclusions you reached. I am going to enter both your statements in their entirety in the record at this point and simply ask that you would, if you can, summarize and give us your conclusions so that during the course of the questioning both yourselves and the considerable list of witnesses here, we can benefit not only from details that you give us but also from the summary points and conclusions. Thank you, gentlemen.

[The prepared statement of Mr. McKinney follows:]

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIFORNIA, CHAIRMAN

WALTER E. FAUNTROY,
DISTRICT OF COLUMBIA
ROMANO L. MAZZOLI, KENTUCKY
FORTNEY H. (PETE) STARK, CALIFORNIA
WILLIAM H. GRAY III, PENNSYLVANIA
MICHAEL D. BARNES, MARYLAND
MERVYN M. DYMALLY, CALIFORNIA
ALAN D. WHEAT, MISSOURI

STEWART B. McKINNEY, CONNECTICUT
STANFORD E. (STAN) PARRIS, VIRGINIA
THOMAS J. BLILEY, JR., VIRGINIA
LARRY COMBEST, TEXAS

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN GNORSKI, MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, DC 20515

OPENING STATEMENT OF
THE HONORABLE
STEWART B. MCKINNEY

HEARING BEFORE THE
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH
OF THE DISTRICT OF COLUMBIA COMMITTEE

ON

EFFORTS TO COMPLY WITH PUBLIC LAW 94-142,
AND YOUTH SERVICES ADMINISTRATION MANAGEMENT

JUNE 20, 1986

It's been over two years since I first heard reports of violations by the District of Columbia of a federal law guaranteeing special education to certain youngsters. Congress passed Public Law 94-142 so that handicapped children throughout the country -- regardless of circumstances or where the child lives -- would get the kind of education needed to become useful adults.

I have been and remain a consistent and strong supporter of this city's right to govern itself. But the Special Ed. Law is a federal law, and I have a responsibility as well as a commitment to see that all handicapped children get the benefits of that law. I asked the General Accounting Office to investigate the reports of violations, and last September this committee held hearings on the matter. GAO's findings confirmed the reports. Learning-handicapped delinquents in this city are not getting special education.

I was so disturbed by what I heard during those hearings that I asked GAO to continue monitoring the problem and to find out why there was no special Ed. for kids held by the Youth Services Administration. I asked for a review of the employees, contractors and management. GAO has kept me well advised of their findings during the entire 22 months of their work. Their final report exposes management, contracting and personnel problems that are beyond belief.

I am outraged that contractors are being paid for their expenses without showing any receipts to back up those costs. Contrary to law and any sense of fairness, most contracts are awarded without going through the competitive review process. Some contractors even began work before a request for a bid on the work went out. More shocking, contractors are paid at a fixed rate although they deliver only a portion of the services they are contracted to provide. Millions of dollars are wasted or mismanaged while the most needy of this city's children go without an education.

We'll hear from GAO that the situation has actually gotten worse since our last hearing. Despite DHS's confession of errors the other day, I'm appalled at the city's long-term lack of responsiveness -- lack of caring -- in this matter. Without help these kids are surely going to Lorton. Their lives are being ruined, wasted, while millions of dollars are squandered on unnecessary overtime payments, or payments made to employees who are not even on their jobs.

I'm also shocked by the failure of the U.S. Department of Education to enforce this law. Its responsibility is to monitor and enforce compliance, yet it continues to pay out taxpayers' money for special Ed. despite clear proof that none is being given to an entire group of kids. Instead of strong enforcement and technical help, it merely issues recommendations for compliance.

With all this lack of concern and muscle for the protection of our laws and our money and our children, there is no one else left but Congress to step in and intervene. And there are even limitations on that. I would have put each witness under oath today. I know this committee received some questionable responses to my questions last September. But these other problems can't wait that long, and I am determined to see the Youth Services Administration cleaned up once and for all. So I'm going to do the best I can. I'm going to ask GAO to continue working closely with the U.S. Attorney's Office and the FBI until their investigations are completed and fully resolved.

The Honorable Stewart McKinney
Opening Statement
June 20, 1986

I have been assured that GAO has discussed its findings with the city before this hearing, and am anxious to hear how they are going to fix this sorry state of affairs. I know they have made some administrative changes recently, and I know the mayor has expressed his concern about the problems in Youth Services. But I'm not convinced changes will come easily. There is a long history of an unwillingness to give special Ed. to juvenile delinquents, and that is a problem deep within the system. It will take some drastic changes in how the Agency operates to clean them up. I hope the city has some plans for that, because I can assure you that my commitment to stopping this waste of lives and dollars is stronger than ever.

STATEMENTS OF GENE DODARO, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE; AND ANTHONY N. SALVEMINI, SENIOR EVALUATOR, WASHINGTON REGIONAL OFFICE, GENERAL ACCOUNTING OFFICE

STATEMENT OF GENE DODARO

Mr. DODARO. Mr. Chairman and members of the subcommittee, good afternoon. I am Gene Dodaro, Associate Director responsible for GAO's work at the District of Columbia government. With me is Anthony Salvemini, who directed our work at the District's Youth Services Administration.

We are pleased to present followup testimony to that given on September 10, 1985, before this subcommittee on implementation of Public Law 94-142, as it relates to handicapped delinquents in the District of Columbia. At that time, we made recommendations to the board of education, Mayor of the District of Columbia, D.C. Superior Court, and the Secretary of the U.S. Department of Education. These recommendations were designed to help assure the provision of special education to all District of Columbia handicapped delinquents.

I will first discuss our monitoring efforts that were directed toward following the District's and the U.S. Department of Education's implementation of our recommendations, and then Mr. Salvemini will describe the results of our review done at the request of this subcommittee of selected YSA management functions in the areas of contracting, personnel, and payroll.

The general thrust of our recommendations in our previous testimony was that one, District entities involved with handicapped delinquents appoint interagency liaisons and establish procedures for exchanging information; two, that DHS assures the provision of appropriate special education required under Public Law 94-142 for all delinquents, and, three, the public schools assume responsibility for the assessment and development of individualized education programs for delinquents in YSA custody.

To respond to these recommendations and the subcommittee's request on how it would assure compliance with Public Law 94-142, the District developed an action plan. This plan, signed by the Department of Human Services, the public schools, and the D.C. Superior Court, is intended to assure the provision of special education to handicapped delinquents. It is scheduled for full implementation in September 1986. The plan addresses all of our prior recommendations requiring involvement by two or more entities. It transfers to the schools the responsibility for assessing and developing individualized education plans for all delinquents in YSA custody suspected of being handicapped.

YSA agrees to adopt the public schools' standards for providing special education, including teacher certification and class size. The plan also includes the recommended liaison agreement for exchanging information and records on juveniles.

The public schools also have taken some action on those recommendations addressed specifically to them. They have, one, conducted an internal management study; two, signed, along with DHS, an interagency agreement on residential placement; three, advertised for year-round staff for the Logan Child Study Center;

and, four, proposed an increase for that center's fiscal year 1987 budget by $546,000, or 36 percent. The public schools have also forwarded to the D.C. Superior Court an inventory of approved special education residential facilities.

Since our previous testimony, the time taken by the Logan Child Study Center to place handicapped juveniles in special education has increased. We compared the length of time it took the center to complete cases in school year 1983-84 to those received from September 1, 1985 through March 31, 1986, the most recent period for which complete data were available. During this 7-month period, the center took an average of 131 days; an increase of 12 percent from the 117-day average for school year 1983-84. This leaves the center further away from meeting the 60-day time limit for assessing and placing handicapped juveniles.

The director of the center stated she was not surprised there had been an increase in the time taken to assess and place juveniles because little had changed to help the situation. For example, staff shortages still exist, although two additional assessment teams are proposed in the center's 1987 budget.

The U.S. Department of Education has not conducted a Public Law 94-142 program administrative review of the District since 1983. Compliance issues raised in that review involving teacher certification and standards for determining eligibility for special education still have not been resolved. The next Department of Education monitoring visit is not scheduled until the 1987-88 school year.

In response to our previous recommendation that the U.S. Department of Education provide technical assistance to the District, education officials stated that it is not their practice to single out one entity to which technical assistance is offered. While some actions have been taken and many others are planned, there has been little improvement in the provision of special education to handicapped delinquents since our prior testimony. Additionally, the number of hours of regular education has decreased.

According to YSA officials, the anticipated closing of the Cedar Knoll Youth facility has caused a reduction in the provision of regular education to the majority of both Cedar Knoll and Oak Hill delinquents. To accommodate the closure of the Cedar Knoll school, delinquents are bused to Oak Hill in numbers which have increased from about 55 in late September to a high of about 140 during this school year. This increase has prompted the Oak Hill school to operate on a split shift and has resulted in a reduction of the 5 hours of regular education previously given. Currently, most juveniles attend classes for 3 hours.

According to the principal of Oak Hill, class assignment is based on education level rather than on assignment to residential cottages, as was the case in the previous school year. The new program includes a learning center for those delinquents functioning at a third-grade level or below. The Oak Hill principal told us the learning center program includes special education but that, for those delinquents functioning above the third grade level, there is no special education program. This was confirmed in an April 1986, monitoring report by the D.C. public schools, which indicated that YSA was not yet providing special education to all handicapped juveniles.

In conclusion, the three District entities have a plan which if fully implemented would address our recommendations. However, full implementation, scheduled for September 1986, is, to a large extent, tied to the willingness of the District entities to place a premium on cooperation and coordination, and the District's identification of funds and resources for the public schools.

The District has made progress by signing a plan, but there is still much to be done to improve the provision of special education for handicapped delinquents. Certified special education teachers need to be obtained. The Logan Child Study Center must decrease the time required to place students to move toward meeting the 60-day court-imposed requirement. The District's corrective action plan, including the liaison agreement, must be fully implemented.

As we noted last year, the District's task is not an easy one, and time and sustained effort will be needed to institute needed changes. To help ensure that the necessary progress is made, we recommend that the Committee on the District of Columbia, House of Representatives, require the Mayor, board of education, D.C. Superior Court, and the Secretary of the U.S. Department of Education to report periodically, directly to the appropriate legislative and appropriation committees on the progress made toward implementing the District's corrective action plan and other actions taken to implement our prior recommendations.

Mr. Salvemini will now discuss the results of our review of certain aspects of YSA's management.

Mr. McKINNEY. Mr. Chairman, I would like to very briefly insert a statement here after Mr. Dodaro's testimony, because I think that we should hold it in mind also. I think it is important to note for the record that the U.S. Department of Education called to say they couldn't be prepared to be here today. This Department is mandated with the responsibility to oversee compliance with Public Law 94-142, provide assistance for compliance, to enforce compliance and to fund its services. That Department was here in September and knows all about these problems and how it has contributed to them.

The Federal Department of Education has helped create this situation, and yet they couldn't send a representative to this hearing to testify. I want the record to show that. I have asked for cooperation from everyone responsible for causing this failure, and if any department doesn't care enough about it to explain itself, then I have some serious doubts about whether or not we will ever make progress for the whole Nation without some strong legislative intervention.

I would like to follow through on Mr. Dodaro's recommendations. I want to have sent directly to me quarterly reports from the D.C. Mayor, the D.C. courts, the public schools, and from the U.S. Department of Education, especially from them, about all efforts to comply with Public Law 94-142, and I want copies of those reports sent to every congressional committee and subcommittee with any involvement with the District of Columbia government or appropriations. And I think the legislators concerned with the handicapped and education ought to know what is really going on with Public Law 94-142.

So I am going to ask that copies be sent to them also. My staff will send a list to the majority side of the committee, including those names and addresses of the people mentioned.

Mr. FAUNTROY. I certainly want to associate myself with the remarks of the gentleman from Connecticut and suggest perhaps someone leaked your statement in advance. They decided not to come.

Mr. MCKINNEY. Well, I had some words.

Mr. FAUNTROY. Thank you. Mr. Salvemini.

STATEMENT OF ANTHONY N. SALVEMINI

Mr. SALVEMINI. Thank you. Mr. Chairman, I am pleased to be here today to discuss the results of our review of certain aspects of YSA's payroll, contracting, and personnel functions. As has been stated, it should be recognized that as a result of our work in the payroll and contracting areas, there are presently criminal investigations being conducted by the Department of Justice. However, we will focus today solely on the management of these functions and discuss recommendations we believe can help solve some of the problems noted. These recommendations have been discussed with District officials who have concurred and, in some instances, have already started to take corrective action.

Our work in the payroll area focused on YSA's internal controls for scheduling staff and monitoring hours worked, especially overtime hours at YSA's three residential facilities. Poor management within DHS, noncompliance with internal controls, insufficient staff, and poor scheduling have resulted in payments of considerable overtime to YSA employees.

In order to assess the payroll situation, we reviewed YSA documentation and, in addition, in early April 1986, we conducted an unannounced shift observation at the receiving home to determine whether or not procedures were being followed.

YSA has a history of high overtime expenditures. From fiscal years 1983 through 1985, YSA employees charged over 583,000 hours of overtime at a cost of more than $8.4 million. This averaged approximately 22 percent of YSA's payroll budget for these fiscal years. As an indication of the significance of such large overtime expenditures, 23 YSA employees received overtime payments ranging from 95 percent to 150 percent of their lowest base salaries in 1985. Overtime resulted in one employee with a base salary of $20,385 being paid over $50,000.

A major cause of such high overtime expenditures is poor DHS management practices. In addition, the Commissioner on Social Services has acknowledged that the staff at YSA facilities are difficult to control and capable of undermining management's procedures and policies and are, in effect, in control of the institutions. YSA's only successful effort to reduce overtime was in 1982 when temporary staff were hired. Although overtime was reduced to $80,000 per month, DHS allowed these temporary positions to expire.

YSA's system of internal controls to authorize, record, and pay overtime is beset with serious compliance problems. Managers have no reasonable assurance that staff have worked the hours for which they are paid.

Documents that are crucial to YSA's payroll system, such as sign-in sheets, overtime authorization sheets, and time and attendance reports are generally inaccurate because payroll documentation procedures are not followed. Because YSA staff did not properly sign in or out, the sign-in sheets we analyzed failed to support over 51 percent or almost 10,000 hours of the overtime they claimed to have worked. For the period we reviewed, only 3 of 416 receiving home sign-in sheets were certified correct by supervisors.

During our shift check at the receiving home, we found four employees who did not sign in. Four other employees signed in and out at the beginning of the day, and each recorded 8 hours of overtime for two shifts they claimed they would work. One of these employees signed in and out and recorded 8 hours of overtime on sign-in sheets for two different shifts. If not for GAO's shift check, this employee could have been paid twice for the same overtime.

We also found overtime authorization sheets for the same date that were different, and overtime forms we reviewed at the receiving home failed to support over 2,000 hours of paid overtime.

YSA officials informed us that the primary reason for overtime was a staff shortage at their facilities. This occurred because DHS had planned to phase out Cedar Knoll in October 1983, thus freeing its staff to work at other facilities. Since then, the facility has had an average of 92 juveniles residing there. In fact, Cedar Knoll has closed in name only: It is now called Oak Hill Annex and the population at the annex on June 6, 1986, was 113 juveniles.

The staffing shortage at YSA is aggravated by poor scheduling practices. Although staff can be assigned to any facility when needed, each YSA facility schedules staff independently. This makes it difficult to coordinate an institutionwide staffing plan. In addition, schedules prepared by unit managers and shift supervisors are generally poorly prepared and rarely followed. For example, our analysis of the three pay periods reviewed shows six employees were scheduled to work for the same period of time at two different facilities. In addition, schedules are often inaccurate because not all available employees are scheduled to work. These poor scheduling practices compound the staffing shortage and further increase overtime.

YSA is in the process of improving scheduling by educating supervisors about efficient scheduling, making weekly overtime projections, and establishing minimum staffing needs.

Our work in the contracting area focused on both DHS's and YSA's adherence to both District-wide and DHS specific contracting procedures.

YSA is responsible for a negotiated services contracting budget of more than $7 million per year, constituting just over one-third of its overall budget. There were 80 negotiated services contracts funded for fiscal years 1984 and 1985, and 64 amendments to those contracts, which totaled approximately $14.9 million.

Throughout the contracting process many controls are built in to protect the District's interests and ensure efficient and effective contract management. These controls include the minimum of 120 days lead time prior to a contract being signed, approval by the director of personnel for personal services contracts, and the D.C. Contract Review Committee approval for contracts over $25,000. We found that many of these controls were not followed.

In 1982, the Director of DHS established a policy requiring that requests for contracts be submitted at least 120 days in advance of the proposed contract date. This 120-day lead time is necessary for the contract to receive all required clearances prior to the effective contract date. However, we found that only three contracts met this requirement, and 77, or more than 96 percent, were not requested 120 days prior to the contract's start date. This included four contracts where the contractor started providing services even before the contract was originally requested.

Approximately 93 percent of YSA's contracts funded in fiscal years 1984 and 1985 were signed more than 1 month after inception of the contract. One contract, for example, was requested in August 1984, started in October 1984, but was not officially signed until August 1985, 1 full year after the contract was requested.

Letter contracts are preliminary authorizations to perform services and quantum merit payments are used to remunerate the contract if the service is provided prior to a contract renewal being executed. The DHS Office of Policy and Planning has stated that letter contracts and QM's are to be used in emergency situations only. For YSA, contracts funded during fiscal years 1984 and 1985, letter contracts and quantum merit payments were the rule instead of the exception to initiate payments to contracts. In fact, $14.5 million of $14.9 million was initiated in one of these ways.

Of the 80 contracts we reviewed, 48 or 60 percent were fixed-price contracts which do not require the contractor to account for actual costs incurred.

In at least two instances, DHS paid contractors for services that were never requested by YSA. One contractor, for example, received more than $173,000 to provide 67 educational assessments of handicapped juveniles. But since YSA referred only 37 juveniles, the contractor incurred expenses of about $128,000, $45,000 less than the amount they received from YSA.

Requests for proposals for YSA contracts require that the contractors submit evidence that their staff have adequate training and experience to perform the proposed contracts. Of the 80 contracts, 46 required documentation, and, in fact, 44 contractors met this requirement. However, no one at DHS verified the qualifications that were submitted by the contractors. Although it was not within the scope of our audit to verify the contractors' staff qualifications, we believe this needs to be done because the District runs the potential risk of having unqualified people providing services to juveniles.

All negotiated services contracts for personal services, such as consultants, must be executed only after approval by the director of personnel. According to the director, they review the proposed contract to ensure that there is a rational relationship between the qualifications of the proposed contractor and the tasks to be performed. There was no evidence of such approval for 18 of the 23, or 78 percent, of the personal services contracts we reviewed, totaling more than $257,000.

The D.C. Contract Review Committee is a review, adjudication and policymaking mechanism. They approve all negotiated contracts in excess of $25,000 and amendments in excess of $100,000. Out of the 80 contracts we reviewed, 52 required committee review. In 47 cases, or approximately 90 percent, the committee took no action because either the contract start date was considerably prior to CRC's receipt for review or the contract expiration date was near. As a result, YSA contracts totaling more than $10.9 million were awarded without D.C. Contract Review Committee approval. Six amendments required approval, and only one actually received approval, resulting in approximately $1 million being spent without committee approval.

The DHS manual of policies and procedures states that the contract administrator has to ensure that the contractor has billed YSA in accordance with the terms of the contract and approved budget proposal. The administrator is responsible for certifying receipt of services and if services are satisfactory, preparing a payment voucher.

During our review, we noted some potential problems with invoice documentation and contract monitoring. Although it was not within our scope to audit the YSA contracts, we did review two audits performed by the DHS Controller's Office. They classified almost $40,000 out of approximately $208,000, or almost 19 percent of costs reviewed, as either disallowable or unsupportable. For one contract, approximately 28 percent of the amount of money paid was found by the auditors to be disallowable or unsupportable. These findings cause us to conclude that other problems with the payments of YSA's contracts may exist.

DHS has no standard or systematized method of certifying invoices. Additionally, YSA has no written guidelines explaining what is acceptable documentation of expenses. Due to a policy decision by the former YSA administrator, the majority of contractors in fiscal year 1985 did not submit supporting documentation with their invoices for payment. Therefore, more than $5 million was paid by YSA even though documentation was not submitted to support the majority of those payments.

We reviewed 174 vouchers for selected fiscal year 1984–85 contracts totaling approximately $2.4 million and found that for approximately $1.9 million, or about 79 percent of the funds, adequate documentation did not exist to support the invoiced amount. Approximately 77 percent of the payments completely lacked documentation, and about 2 percent included documentation which did not completely support the invoices.

In addition, we reviewed 40 vouchers for 2 personal services contracts totaling approximately $52,000 and found no documentation to support the invoiced amount.

In most cases, the YSA contract administrator certified invoices as correct, but she did so with limited knowledge that the service was even provided.

According to the Director of DHS, he has undertaken three management initiatives to improve and strengthen overall management controls of DHS. These are establishing an internal audit unit in the DHS Office of the Controller, establishing a quality assurance unit within the Office of General Counsel, and developing a series of training sessions on contracting requirements, processes, and procedures.

Additionally, the District has recently enacted the D.C. Procurement Practices Act of 1985. The act's objective is to provide for a uniform system of procurement management for the District of Columbia. This is intended to result in greater centralization of the procurement process and give more oversight and enforcement authority to the D.C. Department of Administrative Services. Some of the problems we found during this review may be solved as a result of this act; however, this depends on how effectively DHS implements the new law.

I will now briefly discuss our review of YSA employees' duties and responsibilities. In January 1986, YSA employed 423 individuals. Our review of YSA personnel only focused on YSA management and staff who work directly with juveniles; or 297 of the 423. In addition, we randomly sampled 50 of these 297 employees in order to determine if they were performing duties listed in their official position descriptions. The sampling process enables us to be 90 percent confident in statistically projecting our results to the entire universe of 297 YSA employees.

Based on our comparison of duties and responsibilities in official position descriptions to actual duties and responsibilities being performed, we project that 32 percent or 95 of the 297 YSA employees are performing duties other than those described in their position descriptions.

DHS managers and supervisors have updated some but not all employees' position descriptions to reflect changes in duties and responsibilities, and the Commissioner on Social Services stated she is aware that a lot of YSA employees do not have position descriptions which accurately describe their duties and responsibilities.

The District personnel manual states that the most efficient way to meet the regulation, which requires the office of personnel to review every position once in each 3-year period, is to conduct a classification survey of positions. The assistant director of personnel did not know when the last survey of YSA positions was conducted. She did, however, state that a classification survey of positions is planned for later this year.

In conclusion, the lack of DHS management oversight and control of YSA has resulted in considerable overtime, noncompliance with contracting procedures, and inaccurate position descriptions. Inadequate payroll documentation and supervisory review, inefficient scheduling and staffing procedures, and lack of adherence to internal controls at YSA residential facilities result in considerable overtime costs and inefficient use of government funds.

In addition, key internal controls designed to ensure proper contract management, such as requiring contract requests 120 days prior to the effective contract date and approval by the contract review committee, are not adhered to by DHS and YSA. Finally, YSA and the District Personnel Office are not following procedures to ensure that each YSA employee's position description accurately describes the employee's current duties and responsibilities.

In summary, a number of key controls and assurances that are designed to protect the District's interests and ensure efficient delivery of services are not being followed.

We recognize that DHS management in various instances has attempted to address some of the issues presented today; however, adequate resolution of these problems needs more vigorous attention.

In relation to that, we are recommending that the Mayor of the District of Columbia should ensure that YSA is managed in an effective, efficient, and economical manner by directing the director of the D.C. Department of Human Services and the commissioner on social services to: develop and implement written procedures requiring adequate documentation, supervisory review of hours worked, efficient scheduling of staff, and enforcing adherence to internal controls to reduce the amount and abuse of overtime at YSA facilities; that the Mayor direct the director of DHS and the commissioner on social services to develop and implement written procedures and establish specific criteria, where necessary, for monitoring YSA contracts and for payment of YSA contractor invoices; and that they ensure that DHS, CSS, and YSA managers follow District and DHS contracting and payroll policies and procedures.

And in relation to that, we are recommending that the Mayor direct the deputy mayor for operations to exercise sufficient oversight regarding the activities of the director of human services, and the commissioner on social services, by ensuring that: the above recommendations are implemented; that an independent audit is conducted next year of YSA payroll and contracting functions; and that an independent audit of YSA fiscal years 1984 and 1985 contracts be conducted for the purpose of identifying disallowable and unsupportable costs.

In addition, we are recommending to the Mayor that he direct the director of the D.C. Office of Personnel to immediately begin a classification survey of all YSA positions and implement a schedule to review each position at least once in each 3-year period.

Thank you.

[The prepared statements of Gene L. Dodaro and Anthony N. Salvemini follow:]

UNITED STATES GENERAL ACCOUNTING OFFICE
Washington, D.C. 20548

FOR RELEASE ON DELIVERY
Expected at 12:00 noon
Friday, June 20, 1986

STATEMENT OF

GENE L. DODARO

ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION

AND

ANTHONY N. SALVEMINI

SENIOR EVALUATOR, WASHINGTON REGIONAL OFFICE

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

ON

EFFORTS TO COMPLY WITH P.L. 94-142

AND

SELECTED YOUTH SERVICES ADMINISTRATION

MANAGEMENT FUNCTIONS

Mr. Chairman and Members of the Subcommittee:

Good afternoon, I am Gene Dodaro, Associate Director responsible for GAO's work at the District of Columbia government. With me is Anthony Salvemini, who directed our work at the District's Youth Services Administration.

GAO's appearance today is to present followup testimony to that given on September 10, 1985, before this Subcommittee, subsequently issued as our report, Implementation Of Public Law 94-142 As It Relates To Handicapped Delinquents In The District Of Columbia. At that time, GAO made specific recommendations to the Board of Education, Mayor of the District of Columbia, D.C. Superior Court, and the Secretary of the U.S. Department of Education. The recommendations were designed to improve and help assure the provision of special education to all District of Columbia handicapped delinquents.

This Subcommittee asked GAO to (1) monitor the District's and U.S. Department of Education's implementation of our recommendations and, (2) evaluate certain aspects of the Youth Services Administration's (YSA) contracting, payroll, and personnel functions. YSA is part of the Commission on Social Services within the Department of Human Services (DHS). YSA is responsible for providing supervisory and educational services to delinquents and for operating the District's residential facilities for detained and committed juveniles.

I will first discuss our monitoring efforts, and then Mr. Salvemini will describe the results of our review of selected YSA management functions.

The District's Implementation of GAO's Recommendations Regarding Special Education For Handicapped Delinquents

The general thrust of our recommendations in our previous testimony was that:[1]

- Officials of the three District entities involved with handicapped delinquents, DHS, the Public Schools and the D.C. Superior Court, should appoint interagency liaisons for the exchange of information and records on juveniles; and that each entity establish internal procedures to accomplish this.
- The Mayor should direct DHS to assure the provision of appropriate special education required under P.L. 94-142 for all delinquents; and, that certain functions needed to achieve this be transferred to the Public Schools.
- The Public Schools should assume responsibility for all assessment and development of Individualized Education Plans (IEP) for delinquents in YSA custody. In addition, the Public Schools should work to meet the existing court imposed requirement of a maximum of 60 days for assessment, IEP development and placement in special education. And, in its capacity as the State Educational Agency, the Public Schools should conduct monitoring of both YSA and private residential facilities to insure that juveniles are receiving required special education and related services.

---

[1] The attached appendix contains the specific recommendations made at the September 10, 1985, testimony and issued in GAO's subsequent report Implementation Of Public Law 94-142 As It Relates To Handicapped Delinquents In The District Of Columbia (GAO/GGD-86-4).

- The U.S. Department of Education should provide the necessary oversight and assistance to bring the District into compliance with P.L. 94-142 as it relates to handicapped delinquents.

At the close of the previous hearing, Chairman Fauntroy requested a plan from the District within 90 days on how it intended to comply with the mandates of P.L. 94-142. The District responded to Chairman Fauntroy's request and GAO's recommendations by developing an action plan and performing management studies. I will now comment on that response and also on the current status of educational services provided at YSA facilities.

Action Plan

The Department of Human Services, the Public Schools, and the Court have signed a corrective action plan to ensure the provision of special education in the District. This plan is scheduled for full implementation in September 1986. The plan addresses all of GAO's prior recommendations requiring involvement by two or more entities. The plan transfers to the schools the responsibility for assessment and IEP development for all delinquents in YSA custody suspected of being handicapped, and YSA agrees to adopt the Public Schools' standards for providing special education, including standards for teacher certification and class size. The plan also includes the recommended liaison agreement for the exchange of information and records on juveniles.

Public Schools' Response

The Public Schools have taken some action on those recommendations addressed specifically to them. They have (1) conducted an internal management study, (2) signed, along with DHS, an Interagency Agreement on Residential Placement, (3) advertised for year-round staff for the Logan Child Study Center, and (4) proposed an increase for that Center's fiscal year 1987 budget by $546,000 or 36 percent. This Center is the Public Schools' central facility that performs assessments for juveniles suspected of being handicapped, develops IEPs, and arranges placement. The Public Schools have also forwarded to the Superior Court an inventory of approved special education residential facilities.

The Public Schools' internal management study included a review of the management of the Logan Child Study Center. A report of the results of this review, including recommendations, was presented to the Superintendent of Schools in March 1986. The report recommended that the Public Schools develop a comprehensive plan for special education to meet the childrens' needs. The Superintendent told us that this recommendation will be implemented and would set the stage for a recommitment by the Public Schools to the objectives and goals of special education.

Since our previous testimony, the time taken by the Logan Child Study Center to place handicapped juveniles in special education has increased. The Mills Decree, the result of a 1972 U.S. District Court case against the D.C. Board of Education, requires that assessment, IEP development, and placement of handicapped juveniles be completed within a maximum of 60 calendar days from the date of referral. We compared the Center's recent record in meeting the Mills requirement with that of School Year 1983-84. To do this we analyzed the length of time it took the Center to complete cases received from September 1, 1985, through March 31, 1986, the most recent period for which complete data was available. During this 7 month period, the Center placed 221 of the 419 cases received. It failed to meet the Mills 60-day requirement in 178 cases, or 81 percent, of those completed as compared to 79 percent for School Year 1983-84.

In addition, the average time required to place handicapped juveniles has increased. During the 7 month period analyzed, the Center took an average of 131 days, an increase from the 117 day average for school year 1983-84. This represents a 12 percent increase in the average time required and leaves the Center further away from meeting the Court ordered 60-day time limit.

The Center had not calculated the average number of days required to assess and place students and, therefore, was not aware of this increase. However, the Director of the Center, when informed of the results of our analysis, stated that she was not surprised that there has been an increase in the number of days it takes to place a juvenile, because little had changed at the Center to help the situation. For example, staff shortages still exist although two additional assessment teams are proposed in the Center's 1987 budget. Additionally, the staff at the Center still work under the teachers' union contract and, therefore, work shortened hours in the summer and only 6-hour days during the school year.

U.S. Department of Education Response

The U.S. Department of Education has not conducted a P.L. 94-142 Program Administrative Review of the D.C. Public Schools since March 1983. Compliance issues raised in that review involving teacher certification and standards for determining eligibility for special education still have not been resolved. According to the U.S. Department of Education officials, the next monitoring visit of the Public Schools by the Department of Education is not scheduled until the 1987-88 school year.

In response to GAO's recommendation that the Department provide oversight and assistance to bring the District into compliance with P.L. 94-142 as it relates to handicapped delinquents, Education officials stated that it is not their practice to single out one entity to offer technical assistance to. Therefore, they have not initiated any specific action to offer technical assistance to the Public Schools. The Public Schools' Associate Superintendent for the Office for Special Services and State Affairs told us that the Public Schools had not requested technical assistance from the U.S. Department of Education and did not anticipate making such a request.

Current Status-YSA

There has been little improvement in the provision of special education to handicapped delinquents since our prior testimony. Although some actions have been taken, the latest monitoring report by the Public Schools states that the District is not providing special education to all handicapped delinquents. Additionally, the number of hours of regular education has decreased.

According to YSA officials, the anticipated closing of the Cedar Knoll Youth Facility has caused a reduction in the provision of regular education to the majority of both Cedar Knoll and Oak Hill delinquents. In July 1985, YSA closed the school located at Cedar Knoll although there were still 43 delinquents housed there. In order to accommodate the closure, Cedar Knoll delinquents are now bussed to the Oak Hill School in numbers which have increased from about 55 in late September to a high of about 140 during this school year. This effectively doubles the number of juveniles attending school at Oak Hill, which, according to the school's principal, was already overcrowded.

The increase in the number of students attending the Oak Hill School has been accommodated by operating the school on a split shift and has resulted in a reduction of the 5 hours of regular education previously given. Most of the Oak Hill juveniles attend class for only 3 hours in the morning. For approximately 30 juveniles who have morning work assignments the split shift means that they are offered no classroom instruction. Additionally, the Cedar Knoll juveniles attend class for a maximum of 3 hours, in the afternoon. Only those approximately 25 Oak Hill juveniles who are functioning at a third grade level or below, or those housed in restricted cottages receive more than 3 hours of regular education.

According to the Principal of Oak Hill School, class assignment at Oak Hill is now based on educational level rather than on assignment to residential cottages as was the case in the previous school year. The new program includes a learning center for those delinquents functioning at a third grade level or below. Oak Hill's Principal told GAO that the Learning Center program includes special education but that, for those delinquents functioning above a third grade level, there is no special education program. However, Public School officials, in their April 1986 monitoring visit report, stated that no special education is provided to identified handicapped juveniles at Oak Hill.

The former administrator of YSA told us that the education program at the Receiving Home for Children had been difficult to keep going because one teacher resigned and another had just been recruited. Additionally, the April 1986 monitoring report issued by the Public Schools states that the Receiving Home lacks alternative placements to meet the needs of handicapped students requiring special education and related services.

The monitoring reports also stated that documentation was not available to verify the special education certification of teachers at Oak Hill School or the Receiving Home for Children. In fact, we found that out of 10 special education teachers at Oak Hill and one at the Receiving Home for Children, four have not even applied for certification by the Public Schools to teach special education and one of the Oak Hill special education teachers was found ineligible. The remainder have either temporary or provisional certification by the Public Schools to teach special education. According to the Commissioner on Social Services, they are currently recruiting special education teachers.

Conclusion and Recommendation

In conclusion, the three district entities have a plan which if fully implemented, would address GAO's recommendations. However, full implementation, scheduled for September 1986, is, to a large extent, tied to the willingness of the District entities to place a premium on cooperation and coordination, and the District's identification of funds and resources for the Public Schools.

Although the District has made progress by signing a plan, there is still much to be done to improve the provision of special education for handicapped delinquents in the District. For example, certified special education teachers must be hired and those already on board must be certified. The Child Study

Center must decrease the time required to place students to meet the Mills requirement. The District's corrective action educational plan, including the liaison agreement, must be fully implemented.

To help ensure that the necessary progress is made to provide special education to all handicapped delinquents, we recommend that:

The Committee on the District of Columbia, House of Representatives, require the Mayor, Board of Education, D.C. Superior Court, and the Secretary of the U.S. Department of Education to report periodically, directly to the appropriate legislative and appropriations committees, on progress made toward implementing the District's corrective action plan and other actions taken to implement GAO's prior recommendations.

Mr. Salvemini will now discuss the results of our review of certain aspects of YSA's management.

Mr. Chairman, I am pleased to be here today to discuss the results of our review of certain aspects of YSA's payroll, contracting, and personnel functions. I will first discuss YSA's payroll/overtime function, then the contracting function, and lastly, the personnel function. It should be recognized that as a result of our work in the payroll and contracting areas, there are presently criminal investigations being conducted by the Department of Justice. However, we will focus today solely on the management of these functions and discuss recommendations we believe can help solve some of the problems noted. These recommendations have been discussed with District officials who have concurred and, in some instances, have already started to take corrective action.

Poor Management, Internal Controls, Scheduling, and Insufficient Staff Result in Considerable Overtime

Our work in the payroll area focused on YSA's internal controls for scheduling staff and monitoring hours worked, especially overtime hours and expenditures, at YSA's three residential facilities: Receiving Home for Children, the Oak Hill Youth Center, and Cedar Knoll. Most staff at these facilities are scheduled to work any one of three shifts to provide 24-hour support, supervision, and security to juveniles. Poor management within DHS, noncompliance with internal controls, insufficient staff, and poor scheduling have resulted in payments for considerable overtime to YSA employees.

In order to assess the payroll situation, we reviewed YSA scheduling, overtime, and payroll documentation covering three pay periods from September 29, 1985, to November 9, 1985. Originally, we had planned to computerize a year's worth of data, but missing, inaccurate, and incomplete documents made this impractical. We also interviewed D.C. officials and consultants to determine reasons for overtime, the need for additional staff, and what internal controls and scheduling practices were in place or are needed. In addition, in early April 1986, we conducted an unannounced shift observation at the Receiving Home to determine whether procedures were being followed.

YSA has a history of high overtime expenditures. According to the Deputy Mayor for Operations, this emanates from the policy decision to close Cedar Knoll in 1983. From fiscal years 1983 through 1985, YSA employees charged over 583,000 hours of overtime at a cost of more than $8.4 million. This averaged approximately 22 percent of YSA's personal services budget for these fiscal years. During the three pay periods we reviewed, YSA paid over $337,000 for 22,161 hours of overtime, an average of over $100,000 per pay period. For the pay period ending April 12, 1986, YSA spent over $134,000 for 8,665 hours of overtime. As an indication of the significance of such large overtime expenditures, 23 YSA employees received overtime payments ranging from 95 percent to 150 percent of their lowest base salaries in 1985. For example, overtime resulted in one employee with a base salary of $20,385 being paid over $50,000.

A major cause of such high overtime expenditures is poor DHS management practices. In addition, the Commissioner on Social Services has acknowledged that the staff at YSA facilities are difficult to control and capable of undermining management's procedures and policies and are, in effect, in control of the institutions. YSA's only successful effort to reduce overtime was in 1982 when temporary staff were hired. Although overtime was reduced to $80,000 per month, DHS allowed these temporary positions to expire.

YSA's system of internal controls to authorize, record, and pay overtime is beset with serious compliance problems. Managers do not enforce adherence to existing procedures and, as a result, administrative documentation is poorly prepared and is inadequate support for hours worked. Therefore, managers have no reasonable assurance that staff have worked the hours for which they are paid.

Documents that are crucial to YSA's payroll system such as sign-in sheets, overtime authorization sheets, and time and attendance reports are generally inaccurate because payroll documentation procedures are not followed. Sign-in sheets document the time employees arrive and leave work, overtime worked, and leave taken. Because YSA staff did not properly sign in or out, the sign-in sheets we analyzed failed to support over 51 percent or almost 10,000 hours of the overtime they claimed to have worked. Supervisors sometimes do not prepare overtime authorization forms in advance as required but instead complete them after overtime is worked. In addition, for the period we reviewed, only 3 of 416 Receiving Home sign-in sheets were certified correct by supervisors. Timekeepers sometimes use other documents, such as daily sheets which show each day's schedule, to complete the time and attendance reports because sign-in sheets are incomplete.

During our shift check at the Receiving Home, we found four employees who did not sign in. Four other employees signed in and out at the beginning of the day, and each recorded eight hours of overtime for two shifts they claimed they would work. One of these employees signed in and out and recorded eight hours of overtime on sign-in sheets for two different shifts. If not for GAO's shift check, this employee could have been paid twice for the same overtime.

Overtime authorization forms, which document on a daily basis who was authorized to work overtime, the reason for it, and the hours worked, are used by DHS payroll to justify overtime payments. These sheets are generally incomplete. For example, in the Cedar Knoll records reviewed we found 34 of 174 sheets with the date of the authorizing signature missing or preceding the request date. We also found overtime authorization sheets for the same date that were different. In one instance, an employee's hours had been changed and in the other a name had been changed. Additionally, the overtime forms we reviewed at the Receiving Home failed to support over 2,000 hours of paid overtime.

Finally, time and attendance reports show the schedule and amount of all hours worked by each employee during a pay period, including regular and overtime hours. Since these reports are based on the above documents, and given their inaccuracies, concerns must be raised about the validity of time and attendance records.

The problems with both administrative documentation and procedures indicate severe internal control problems and a payroll system open to abuse. In response to these problems on May 30, 1986, Mayor Marion Barry, Jr., expressed "grave concern about the problems of the Youth Services Administration." He specifically directed DHS to tighten controls on overtime at YSA. More specifically, he directed DHS to limit overtime to 20 hours per employee per pay period, and to submit to him a monthly status report regarding DHS's implementation of overtime controls in YSA. According to District Officials, in an effort to improve the payroll documentation and management systems, DHS is reorganizing YSA management, requiring sign-in sheets to be attached to overtime forms, and informing YSA employees of the specific staff responsible for authorizing overtime and preparing payroll documentation. Time clocks have also been installed in the institutions.

YSA officials informed us that the primary reason for overtime was a staff shortage at their facilities. Our analysis showed that "staff vacancy" and "coverage" were used most often as a reason for authorizing overtime. The three institutions lack enough employees to cover all posts for supervising juveniles because DHS did not hire permanent staff. This occurred because DHS had planned to phase out Cedar Knoll in October 1983, thus freeing its staff to work at other facilities. Since then, the facility has had an average of 92 juveniles residing there. In fact, Cedar Knoll has closed in name only: it is now called "Oak Hill Annex." In the spring of 1985, YSA succeeded in reducing the Cedar Knoll population to 30, but, due to the large number of arrests for drug-related problems, the D.C. Superior Court continued sending juveniles to this facility. The population at the Annex on June 6, 1986, was 113 juveniles.

To fill the resulting staff shortage, existing staff are often used to fill vacancies of supervisory staff on an overtime basis. For example, the Oak Hill laundry manager and a recreation specialist cover as Officer of the Day, making them responsible for the entire facility. Furthermore, cooks and maintenance personnel sometimes replace group leaders, who are supposed to provide supervision and guidance to and security for juveniles.

YSA has hired approximately 54 temporary group leaders and is recruiting six more to alleviate this problem. Both new and present employees will receive 160 hours of American Corrections Association-approved training. We believe the District's actions are a step in the right direction; however, DHS should ensure that YSA hires permanent and qualified staff unless the District can reduce the number of juveniles remanded to DHS custody.

The staffing shortage at YSA is aggravated by poor scheduling practices. Although staff can be assigned to any facility when needed, each YSA facility schedules staff independently. This makes it difficult to coordinate an institution-wide staffing plan. In addition, preplanned work schedules prepared by unit managers and shift supervisors are generally poorly prepared and rarely followed. For example, our analysis of the three pay periods reviewed shows six employees were scheduled to work for the same period of time at two different facilities. In addition, these schedules are often inaccurate because not all available employees are scheduled to work. These poor scheduling practices compound the staffing shortage and further increase overtime. By better planning staff schedules, YSA management can more efficiently cover shortages and reduce overtime.

Our analysis showed that for one 2-week pay period, September 15-28, 1985, 27 group leaders covering units at the Receiving Home could have been rescheduled to eliminate several hundred hours for those positions, and substantially reduce overtime costs. In addition, YSA consultants devised an institution-wide schedule with existing staff that could considerably minimize overtime. YSA is in the process of improving scheduling by educating supervisors about efficient scheduling, making weekly overtime projections, and establishing minimum staffing needs.

DHS and YSA Do Not Follow Proper Procedures to Ensure Efficient Contract Management

Our work in the contracting area focused on both DHS's and YSA's adherence to both District-wide and DHS specific contracting procedures. We compiled information for all YSA negotiated services contracts and their amendments funded during fiscal years 1984 and 1985. Additionally, we interviewed DHS and YSA contracting officials and reviewed invoices, documentation, and vouchers submitted for 11 of YSA's contracts worth approximately $2.5 million.

YSA is responsible for a negotiated services contracting budget of more than $7 million per year, constituting just over one-third of its overall budget. There were 80 negotiated services contracts funded during fiscal years 1984 and 1985. Forty-five, or approximately 56 percent, of these contracts were to provide services to juveniles in the Community Services Program, or those assigned to group or shelter homes. The Community Services Program is an alternative to incarceration for committed delinquents and provides such things as family intervention, educational services, and self-esteem building. The remaining contracts were for such things as consultants, training, and clerical services.

There were 64 amendments to the 80 contracts. Forty-one, or 64 percent, of these amendments extended the time period of the contract while seven added services. The remainder of the amendments added staff, facilities, or made administrative changes to the original contract. The dollar value of the amendments ranged from no cost to $470,000. The contracts and related amendments totalled approximately $14.9 million.

DHS is authorized by the Mayor's Organizational Order No. 9 to award contracts. Under existing procurement procedures YSA should initiate the request for a contract by submitting a "Request for Negotiated Services Contract," form DHS-62, to the DHS Contracts Branch at least 120 days in advance of the proposed contract effective date. The DHS-62 goes to the DHS Controller's Office to ensure that funds are available. If the contract is going to be awarded based on a request for proposal (RFP), the DHS contracts branch in conjunction with YSA develops the RFP. The RFP is sent to prospective contractors and proposals are received. An evaluation panel is then brought together to review proposals submitted by prospective contractors. Evaluation factors used by the panel include such things as innovativeness, experience, and personnel qualifications of each contractor. The proposals are ranked, and, a contractor is selected. Then the proposed contract goes to the Contracts Review Committee if it is over $25,000 and if it is a personal services contract it goes to the D.C. Office of Personnel for approval. After the necessary approvals are given, the contract is executed.

Throughout this process many controls are built in to protect the District's interests and ensure efficient and effective contract management. These controls include the minimum of 120 days lead time, approval by the Director of Personnel for personal services contracts, and the D.C. Contract Review Committee approval for contracts over $25,000. We found that many of these controls were not adhered to.

Almost All Contracts Did Not Have 120-Day Lead Time

In 1982, the Director of DHS established a policy requiring that requests for contracts be submitted to the DHS Contracts Branch at least 120 days in advance of the proposed contract date. This 120-day lead time is necessary for the contract to receive all required clearances prior to the effective contract date. However, we found that only 3 contracts met this requirement and 77, or more than 96 percent, of the contracts we reviewed were not requested 120 days prior to the contract's start date. This included four contracts where the contractor started providing services even before the contract was originally requested.

As a result of YSA's nonadherence to the 120-day lead time requirement, contracts are frequently signed after the contractor has started providing services and in some cases is already receiving payment. Approximately 93 percent of YSA's contracts funded in fiscal years 1984 and 1985 were signed more than 1 month after inception of the contract. For example, a contract was requested in August 1984, started in October 1984, but was not officially signed until August 1985, 1 full year after the contract was requested.

Use of Letter Contracts &
Quantum Meruit Payments

According to a 1984 letter from the Director of DHS, letter contracts are preliminary authorizations to perform services, and quantum meruit (QM) payments remunerate the contractor for services provided prior to a contract renewal being executed. These instruments are used when there is not enough time to negotiate a definitive contract and services are needed immediately. A 1983 memo from the DHS Office of Policy & Planning stated "the goal of [DHS] should be to ensure that contracts are in place in a timely manner and that letter contracts and QM's are used in emergency situations only." However, for YSA contracts funded during fiscal years 1984 and 1985, letter contracts and quantum meruit payments are the rule instead of the exception to initiate payments to contractors. In total $14.5 million of $14.9 million were initiated in one of these ways.

Contract Type

Of the 80 contracts we reviewed, 48 or 60 percent were fixed price contracts which do not require the contractor to account for actual costs incurred. Their use has decreased from almost 64 percent in fiscal year 1984 to approximately 37 percent in fiscal year 1985. On the other hand, the use of cost reimbursable contracts has increased from approximately 11 percent in fiscal year 1984 to approximately 63 percent in fiscal year 1985.

In at least two instances, DHS paid contractors for services that were never requested by YSA. One contractor, for example, received more than $173,000 to provide 67 educational assessments of handicapped juveniles. But since YSA referred only 37 juveniles, the contractor incurred expenses of about $128,000, $45,000 less than the amount they received from YSA.

Contractor Staff Qualifications

Requests for Proposals for YSA contracts require that the contractors submit evidence that their staff have adequate training and experience to perform the proposed services. The RFPs additionally require that job descriptions be included in the proposal, covering such things as staff qualifications and responsibilities. Additionally, contractors providing personal services are required to submit similar forms of documentation.

Of the 80 contracts we reviewed, 46 required documentation regarding the qualifications of contractor staff. In 44 cases the contractor complied with this requirement; however, the DHS contract files did not indicate that anyone verified the information submitted. In addition, the former YSA Administrator and the Acting Chief of the Financial Management

Unit in the Commission on Social Services (CSS) told us that no one in DHS verifies the qualifications submitted. Although it was not within the scope of our audit to verify the contractors' staff qualifications, we believe this needs to be done because the District runs the potential risk of having unqualified people providing services to juveniles.

Personal Services Contracts Approval

The District Personnel Manual Instruction No. 0901-9, dated August 1983, requires that all negotiated services contracts for personal services, such as consultants, be executed only after approval by the Director of Personnel. This approval must be documented in the contract file in order to show coordination with the Office of Personnel. According to the Director, they review the proposed contract to ensure that there is a rational relationship between the qualifications of the proposed contractor and the tasks to be performed. There was no evidence of such approval for 18 of the 23, or 78 percent, of the personal services contracts we reviewed. These contracts totalled more than $257,000.

D.C. Contract Review Committee Approval

The Mayor's Organizational Order No. 9 and the Materiel Management Manual requires that the D.C. Contract Review Committee (CRC), which is a review, adjudication, and policy making mechanism whose chairman is an Assistant Corporation Counsel, approve all negotiated contracts in excess of $25,000 and amendments in excess of $100,000. CRC approval indicates that among other things the contract complies with established negotiation procedures. Out of the 80 contracts we reviewed, 52 required CRC review. However, in 47 cases, or approximately 90 percent, the CRC took no action because either the contract start date was considerably prior to CRC's receipt for review or the contract expiration date was near. As a result, YSA contracts totalling more than $10.9 million were awarded without CRC approval. Additionally, six amendments required CRC approval, however, only one actually received approval from the committee, resulting in approximately one million dollars being spent without committee approval.

Invoice Certification & Documentation

The DHS Manual of Policies and Procedures Transmittal Letter No. 210, dated December 1983, states that the contract administrator has to ensure that the contractor has billed YSA in accordance with the terms of the contract and approved budget proposal. Additionally, the contract administrator is responsible for certifying receipt of services cited in the contractor's invoices and, if services are satisfactory, preparing a payment voucher.

In order to certify the receipt of services and determine if they are satisfactory, the contract administrator relies on documentation submitted with the invoices and monitoring reports prepared by other units. During our review we noted some potential problems with invoice documentation and contract monitoring. Although it was not within our scope to audit the YSA contracts we did review two audits performed by the DHS Controller's Office. They classified almost $40,000 out of approximately $208,000, or almost 19 percent of costs reviewed as either disallowable or unsupportable. For one contract, approximately 28 percent of the amount of money paid was found by the auditors to be disallowable or unsupportable. These findings cause us to conclude that other problems with the payments of YSA's contracts may exist.

According to the Acting Chief of the Financial Management Unit in the Commission on Social Services, DHS has no standard or systematized method for certifying invoices. Additionally, the YSA Contract Administrator stated that YSA has no written guidelines explaining what is acceptable documentation of expenses. She additionally stated that, due to a policy decision by the former YSA administrator, the majority of contractors in fiscal year 1985 did not submit documentation with their invoices for payment. Therefore, more than $5 million was paid by YSA even though documentation was not submitted to support the majority of those payments. The YSA Contract Administrator stated that during this time she was only certifying the mathematical accuracy of invoices as being correct.

We reviewed 174 vouchers for selected fiscal year 1984-1985 contracts totalling approximately $2.4 million during our detailed contract file review and found that for approximately

$1.9 million, or about 79 percent of the funds, adequate documentation did not exist to support the invoiced amount. Approximately 77 percent of the payments completely lacked documentation, and about 2 percent included documentation which did not completely support the invoices. For example, receipts were either included for items other than those listed on the invoice or were only for selected items. The former YSA administrator stated that she made the policy decision not to require documentation when she started requiring contractors to have audits conducted at the end of the contract. However, officials of the Audit Division of the DHS Controller's Office told us they do not receive copies of the audits and the Acting Chief of the Financial Management Unit in CSS stated that no one in DHS ensures that the audits meet generally accepted auditing standards.

In addition, we reviewed 40 vouchers for two personal services contracts totalling approximately $52,000 and found no documentation to support the invoiced amount. According to the former administrator of YSA, consultants are not required to sign in or out nor are they required to submit any documentation or proof that they performed services required by their contracts.

In most cases, the YSA Contract Administrator certified invoices as correct, but she did so with limited knowledge that the services were provided. Neither DHS or YSA could provide us with evidence to indicate that the monitoring done by the two

YSA monitoring units provides a thorough evaluation on the performance of the contractors or that the units provided the Contract Administrator with sufficient documentation to certify that services were rendered.

One of the units, the Monitoring and Evaluation unit, which monitors the contracts for group and shelter homes, has guidelines to evaluate physical conditions and program operations. Although deficiencies of physical conditions are summarized in quarterly reports, the monitoring unit does not summarize whether or not the services performed by the contractors meet the full requirements of their contracts.

The other unit, the Community Services Program, does not have formal guidelines. In lieu of guidelines, the Community Services Program conducts a weekly meeting with its contractors. However, they only monitor the services agreed to by the contractor during the assessment session of each juvenile. The staff stated that they do not have copies of the contracts and they are not aware of the full scope of services that each contractor is required to provide. As a result of these limitations, those monitoring units may not have known what particular services the contractor was required to provide.

District Efforts to Improve Its Contracting

According to the Director of DHS he has undertaken three management initiatives to improve and strengthen overall management controls of DHS. These are (1) establishing an internal audit unit in the DHS Office of the Controller, (2) establishing a quality assurance unit within the Office of General Counsel, and (3) developing a series of training sessions on contracting requirements, processes and procedures.

Additionally, the District has recently enacted the D.C. Procurement Practices Act of 1985. The Act's objective is to provide for a uniform system of procurement management for the District of Columbia government. This is intended to result in greater centralization of the procurement process and give more oversight and enforcement authority to the D.C. Department of Administrative Services. Some of the problems we found during this review may be solved as a result of this Act; however, this depends on how effectively DHS implements the new law.

Many Employees Do Not Have Accurate Position Descriptions

I will now discuss our review of YSA employees' duties and responsibilities. Employees should have position descriptions that accurately describe their current duties and responsibilities, work location, job title, and job series. An accurate position description is important because it serves as the basis for determining qualifications required to conduct duties and responsibilities, what someone is paid, and serves as a basis for measuring an employee's performance. DHS management and the D.C. Office of Personnel play a role in ensuring the accuracy of every position description. The purpose of our review was to determine the accuracy of YSA position descriptions.

In January 1986, YSA employed 423 individuals. These employees filled positions ranging from boiler plant operator to psychologist. Our review of YSA personnel only focused on YSA management and staff who work directly with juveniles; or 297 of the 423 YSA employees. We randomly sampled 50 of these 297 employees in order to determine if they were performing duties listed in their official position descriptions. We interviewed the employees in our sample and reviewed their personnel files. Our sample size of 50 was selected using a statistical formula which considered the size of the universe, a 90-percent confidence level, and a 10-percent sampling error. The sampling process enables us to be 90-percent confident in statistically projecting our results to the entire universe of 297 YSA employees.

The YSA employees in our sample represent more than a dozen different positions providing education, training, counseling, and detention services to juvenile delinquents. At least 58 percent of the YSA employees in our sample have worked for the District for more than 15 years.

Based on our comparison of duties and responsibilites in official position descriptions to actual duties and responsibilities being performed, we project that 32 percent or 95 of the 297 YSA employees are performing duties other than those described in their position descriptions. In addition, based on our analysis, we project that 70 percent or 208 of the 297 YSA position descriptions are out-of-date regarding such matters as employee work location, job title, and job series.

According to the District's personnel manual, it is management's responsibility to ensure that position descriptions accurately describe actual duties and responsibilities. DHS managers and supervisors have updated some but not all employees' position descriptions to reflect changes in duties and responsibilities, as required. The Commissioner on Social Services stated she is aware that "a lot" of YSA employees do not have position descriptions which accurately describe their current duties and responsibilities.

The Personnel Office also plays a role in ensuring that YSA position descriptions accurately describe an employee's duties and responsibilities. D.C. Personnel Regulation 1109.4 requires that the Office of Personnel review every position once in each 3 year period. Our analysis indicates that a projected 50 percent or 149 of 297 YSA employees' positions have not been reviewed by the Office of Personnel within the last 3 years.

The District Personnel Manual states that the most efficient way to meet this regulation is to conduct a classification survey of positions. The Manual states that "surveys are the best alternate means of detecting unreported changes in positions and because of its global nature can highlight organizational problems, duplication of work, and other inconsistencies." The Assistant Director of Personnel for DHS did not know when the last survey of YSA positions was conducted. She added, however, that a classification survey of YSA positions is planned for later this year.

Conclusions

The lack of DHS management oversight and control of YSA has resulted in considerable overtime, noncompliance with contracting procedures, and inaccurate position descriptions.

Inadequate payroll documentation and supervisory review, inefficient scheduling and staffing procedures, and lack of adherence to internal controls at YSA residential facilities result in considerable overtime costs and inefficient use of government funds. In addition, key internal controls designed to ensure proper contract management, such as requiring contract requests 120 days prior to the effective contract date and approval by the Contract Review Committee, are not adhered to by DHS and YSA. Finally, YSA and the District Personnel Office are not following procedures to ensure that each YSA employee's position description accurately describes the employee's current duties and responsibilities.

In summary, a number of key controls and assurances that are designed to protect the District's interests and ensure efficient delivery of services are not being followed.

We recognize that DHS management in various instances has attempted to address some of the issues presented today; however, adequate resolution of these problems needs more vigorous attention.

Recommendations

The Mayor of the District of Columbia should ensure that YSA is managed in an effective, efficient and economical manner by directing the:

-- Director of the Department of Human Services and the Commissioner on Social Services to:

(1) develop and implement written procedures requiring adequate documentation, supervisory review of hours worked, efficient scheduling of staff, and enforcing adherence to internal controls to reduce the amount and abuse of overtime at YSA facilities,

(2) develop and implement written procedures; and establish specific criteria, where necessary, for monitoring YSA contracts and for payment of YSA contractor invoices, and

(3) ensure that DHS, CSS, and YSA managers follow District and DHS contracting and payroll policies and procedures.

-- Deputy Mayor for Operations to exercise sufficient oversight regarding the activities of the Director of Human Services, and the Commissioner on Social Services, by ensuring that:

(1) the above recommendations are implemented,

(2) an independent audit is conducted next year of YSA payroll and contracting functions, and

(3) an independent audit of YSA fiscal years 1984 and 1985 contracts is conducted for the purpose of identifying disallowable and unsupportable costs.

-- Director, D.C. Office of Personnel, to immediately begin a classification survey of all YSA positions and implement a schedule to review each position at least once in each 3-year period.

Specific Recommendations made at the September 10, 1985, testimony and issued in GAO's subsequent report Implementation Of Public Law 94-142 As It Relates To Handicapped Delinquents In The District Of Columbia, (GAO/GGD-86-4, Oct. 17, 1985).

The Board of Education should direct the Superintendent of the D.C. Public Schools to:

- Work toward reducing the time necessary for assessment, IEP development, and placement of handicapped delinquents with the goal of ultimately adhering to the "Mills" Decree's 60-day requirement. As a first step, the Superintendent should emphasize to all staff the need for timely referral for testing and assessment of all juveniles for whom the need for such services is indicated.
- Test YSA delinquents with suspected handicapping conditions and develop IEPs. In addition, the Superintendent should assure, through monitoring, that YSA and the Public Schools are referring all juveniles for testing who need to be tested and that the Public Schools are developing complete IEPs.
- Monitor handicapped delinquents in the custody of YSA to ensure they receive at least the same services to which handicapped juveniles in the Public School system are entitled. Also, to ensure that appropriate contracted

residential facilities are selected as placements for handicapped delinquents, the Public Schools should ascertain what programs are available at residential facilities with which the District contracts, notify the Court of the type of delinquent each facility is capable of serving, and periodically ascertain whether the programs have changed.

- Monitor YSA's contracted residential facilities for compliance with P.L. 94-142. In addition, the D.C. Public Schools should monitor the educational program quality at these facilities as well as at YSA's public residential facilities. This monitoring effort should assure that required services in IEPs are being provided by these facilities.
- Designate a Pubic School liaison to coordinate and exchange records such as IEPs, test results, and educational histories, with YSA and the Court.
- Develop written procedures and establish specific criteria for forwarding information to YSA and the Court, regarding Court or YSA detained juveniles.
- Provide, where YSA cannot, educational and related services which are included in a handicapped delinquent's IEP.

The Mayor of the District of Columbia should direct the Department of Human Services' Youth Services Administration to:

- Transfer to the Public Schools the responsibility for testing suspected handicapped delinquents and preparing all necessary IEPs.
- Designate a YSA liaison responsible for notifying the Public Schools that YSA is releasing a delinquent, who will be returning to school. This liaison should also coordinate and exchange records such as IEPs, test results, and educational histories, with the Public Schools and the Court.
- Develop written procedures and establish specific criteria for forwarding information to the Court and the Public Schools, once notified by the Court that a juvenile is being detained, or has re-entered the school system.
- Emphasize the need to follow D.C. Public School policies, procedures, and standards for special education, including standards for teacher certification and class size.
- Provide all educational and related services which are required by a delinquent's IEP, and notify the Public Schools of the required services that YSA cannot provide.

- Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll and the Receiving Home for Children, and form classes based on academic level.
- Evaluate follow-up services provided to delinquents after release from YSA custody and correct any administrative, management, and procedural problems identified.

The D.C. Superior Court should:

- Designate a Court liaison responsible for notifying the Public Schools that the Court is detaining a juvenile, who, therefore, cannot attend regular school classes. This liaison should also coordinate and exchange records such as test results, and educational or family histories, with the Public Schools and YSA.
- Develop written procedures and establish criteria for the Court liaison to forward to YSA and the Public Schools, as appropriate, information available regarding a delinquent, once an individual is placed in YSA's custody or has re-entered the school system.

The Secretary of the U.S. Department of Education, should:

- Provide the necessary oversight and assistance to bring the District into compliance with P.L. 94-142 as it relates to handicapped delinquents.

Appendix II

Objectives, Scope, and Methodology

Our objectives were to (1) monitor the District's and U.S. Department of Education's implementation of previous GAO recommendations regarding Public Law 94-142 and (2) evaluate certain aspects of the Youth Services Administration's (YSA) contracting, payroll, and personnel functions. In general, our findings and conclusions are based on work done at the Office of the Deputy Mayor, Department of Human Services (DHS), D.C. Public Schools, D.C. Superior Court, Department of Administrative Services, D.C. Office of Personnel, and the U.S. Department of Education. We interviewed officials at these entities as well as consultants to YSA. In addition, we reviewed applicable District regulations, other formal agency guidelines, and documentation. Our fieldwork was done between October 1985 and June 1986.

Our specific approach for each review segment is detailed below. Our work was conducted in accordance with generally accepted government auditing standards.

Monitoring of District of Columbia Efforts to Comply With Public Law 94-142

We compared the District's Action Plan to GAO's previous recommendations for evidence of planned interagency coordination, as well as individual agency actions. We also reviewed reports produced by the Public Schools' Logan Child Study Center to track all students assessed by the Center. We analyzed the reports for all cases received by the Center for the 7 months from September 1, 1985, through March 31, 1986, to determine the time required to place students. We then compared our findings with the findings of a similar analysis performed during our previous review.

Review of YSA Payroll and Overtime

We analyzed YSA payroll documents for the following three 1985 pay periods: (1) September 29 to October 12; (2) October 13 to October 26; and (3) October 27 to November 9. We decided to review only three pay periods because YSA payroll documentation was generally found to be inaccurate, incomplete, or missing. Data was obtained from YSA preplanned work schedules, sign-in and sign-out sheets, overtime authorization sheets, and manpower worksheets for employees working in the Receiving Home for Children, the Oak Hill Youth Center, and Cedar Knoll, now called the "Oak Hill Annex." We also reviewed time and attendance records for YSA employees which are maintained at the DHS payroll office.

Our analysis of the preplanned work schedules was twofold: (1) we compared the institutions' preplanned work schedules to identify employees scheduled for the same shift at different institutions and (2) we compared the preplanned work schedules to sign-in and sign-out sheets to determine if employees actually worked scheduled shifts.

The sign-in and sign-out sheets were analyzed to (1) determine the instances where one or both of the entries for regular and overtime hours was missing, (2) determine the total number of hours recorded, and (3) identify employees who signed in at more than one institution for the same shift. We also compared sign-in and sign-out sheets to the overtime authorization sheets, manpower worksheets, and time and attendance records for a comparison of overtime hours noted on each document.

The overtime authorization sheets were analyzed to determine (1) the total number of overtime hours recorded by institution, (2) if any employee was authorized to work overtime for the same shift at more than one YSA institution, and (3) the frequency of justifications for overtime. We compared the overtime authorization sheets to the sign-in and sign-out sheets to determine overtime hours not supported by sign-in or sign-out entries. Finally, we compared the manpower worksheets to time and attendance records and overtime authorization sheets to determine the number of overtime hours paid for but not supported by documentation.

In addition, we conducted a shift check at the Receiving Home for Children on April 11, 1986. The purpose of this shift check was to observe employees signing in, verify that employees who signed-in were present, and examine sign-in and sign-out sheets and daily sheets to determine if they were accurately completed.

Review of DHS and YSA Contract Management

Using a standardized data collection instrument (DCI), we collected data from District contract files to determine adherence to District contracting policies and procedures. Our review included 80 YSA contracts and their 64 amendments that were paid from fiscal year 1984 and fiscal year 1985 funds. DHS provided a list of 82 YSA contracts. We did not complete a DCI for two of the contracts because one was not in the file, and another on the list was actually a contract amendment.

We also judgmentally selected 11 of the 80 contracts to review the invoices submitted and vouchers prepared for payment. The purpose of this review was to determine whether YSA was exercising proper internal controls to ensure that payment was made for services actually rendered. First, we examined invoices and vouchers for the 11 contracts at the DHS Controller's Office. Data gathered from vouchers included voucher number and date, amount paid, work paid for and date work was performed, and evidence of reconciliation with the automatic payment system. Data collected from the contractor's invoice included invoice number, contractor certification date, amount claimed, YSA contract administrator's certification (date and signature), and period of time worked. Second, we examined the YSA Contract Administrator's files at the Receiving Home for receipts and documentation not found in DHS files. Total dollar values by fiscal year were assigned by us into one of three categories: (1) vouchers with receipts; (2) vouchers with inadequate, unrelated, or incomplete documentation; and (3) vouchers without documentation.

In addition, we interviewed YSA officials responsible for monitoring the work of YSA contractors to determine what basis YSA had for certifying that contracted services have been provided. Also, we reviewed applicable YSA guidelines, monthly monitoring reports, and monitoring reports on individual juveniles.

Review of YSA Personnel

Our review of YSA personnel only included YSA management and staff who worked directly with juveniles—297 of 423 YSA personnel as of January 22, 1986. We interviewed a random sample of 50 of these 297 employees. Our sample size was selected using a statistical formula which considered the size of the universe, a 90 percent confidence level, and a 10 percent sampling error. The sampling process enables us to be 90-percent confident in projecting our results to the entire universe of 297 YSA employees.

In order to determine the YSA employees in our sample who do not have position descriptions that accurately describe current duties and responsibilities, we compared duties and responsibilities documented in the employee's position description of record to current duties and responsibilities. Using a standardized data collection instrument (DCI), we collected data from official personnel files located at the D.C. Office of Personnel. In addition, from these files we obtained a copy of the employee's official position description of record. Using a standardized interview guide, we interviewed employees in our sample to determine current duties and responsibilities. Data was not collected for two individuals in our sample because at the time of our review they were no longer employed by YSA.

Based on data collected from official personnel files and interviews, we determined if an employee's position description accurately reflected his/her current duties and responsibilities. In addition, we reviewed each employee's position description to determine if the position description was out of date regarding such matters as employee work location, organizational unit, job title, and job series.

Sampling Errors for Personnel Interviews

Because we arranged to interview only 50 out of a possible 297 YSA employees, aggregated figures developed from these interviews have a measurable precision or sampling error. This is because our sample of interviewees was only one of a large number of samples of equal size and design which could have been selected. We designed the sample so that we had a 90-percent chance of producing interval estimates that enclose the true population figure. For example, we found that 70 percent of the employees interviewed have position descriptions that were out of date regarding such things as work location, job title, and job series. Projected to the universe, we would expect that 208 of the 297 YSA employees had similar position descriptions. This specific figure, however, has a sample error of 28. Thus, while we do not know the true number of employees with out of date position descriptions, there is a 90-percent chance that the interval produced by our sample, 208 plus or minus 28, will include the true population figure.

Confidence limits for the sample statistics generated by interviewing YSA employees are presented in table II.1.

Table II.1: Confidence Limits for Universe Estimates

		Confidence interval (90 percent)	
Description	**Universe estimate**	**Lower limit**	**Upper limit**
Performing duties other than those described in the position description	95	66	124
Position description administratively out of date	208	180	236
Position description not reviewed in last 3 years	149	121	177

Mr. FAUNTROY. I want to thank you for not only a thorough report, but also for summarizing as you have. It has afforded us an opportunity to raise some questions and get the other witnesses before the committee as well.

As you know, we directed that a written plan be developed that would spell out a means by which the three entities would coordinate their activities based on the findings that you have made and your recommendations. My question is, is the plan submitted back on May 30 in keeping with those instructions in your view?

Mr. DODARO. Yes, it is, Mr. Chairman. We think the plan addresses all our recommendations, particularly those that involve interaction by one or more of the entities.

Mr. FAUNTROY. At the end of your written statement, you made several recommendations which you outlined you believe will bring about the appropriate changes. If we look at the interagency plan that was submitted to the subcommittee on May 30 and combine it with your recommendations, do you feel the goals we are seeking can be achieved?

Mr. DODARO. I think that the interagency plan and the recommendations we are making, specifically on aspects of YSA management, would go a long way toward achieving those goals. There are two caveats I would raise. One is that the achievement of the plan itself is dependent upon continued cooperation by all the entities involved to insure successful completion. Second, as the city has indicated to us, one of the most difficult things it needs to deal with are factors in other places in the juvenile justice system in terms of the number of juveniles being arrested and the length of time they are detained. The city needs to move and is, in fact, beginning to move in this direction to get a better handle on what the population will be that it has to serve, and could then make appropriate adjustments in its plan, physical plant, as well as staffing to take care of that situation.

Mr. FAUNTROY. Gentlemen, some of the findings that you made with respect to overtime payments and contracting turned out to be a rather horror story for many of us, and I wonder the extent to which what you testified to today is applicable to this period since we have—since the hearing, or are you reporting past revelations on your part?

Mr. SALVEMINI. As far as the overtime is concerned, it has increased from $100,000 per day to $134,000 for a pay period in early April 1986. On the contracting side, although the District is in the process of trying to implement new policies and procedures, they have not yet done so, therefore it would be hard for us to say whether or not anything has improved in that situation.

Mr. DODARO. I want to add to that, Mr. Chairman. The District has spelled out a number of very specific things it is going to do to attempt to control the overtime issue, one of which is issuing a monthly status report to the Mayor. That report should give you some immediate feedback as soon as it starts being published as to whether or not they have begun to control at least the size of the overtime payments.

Mr. FAUNTROY. But at this point, you can't tell us whether or not in your view that is the case.

Mr. DODARO. No.

Mr. Fauntroy. You mentioned that 32 percent of the employees that you looked at over at DHS were at the—at YSA were not performing—were performing duties other than those which their job descriptions have outlined. Did you notice any pattern, were people being overpaid or underpaid, or were they performing tasks that were really not within their capability to deliver?

Mr. Salvemini. Well, in certain situations, for example at the facilities, because of the staff shortage at the facilities YSA has had cooks and maintenance personnel and plumbers working as officers of the day which means they are left in charge of the entire facility and they also are being left in charge of supervising children.

In that respect, it is not so much a dollar amount they are being overpaid for, but a responsibility level, a much higher responsibility level than their position ever would have called for. As far as overpayment in dollars, I believe it would be best not to comment on any overtime money that any one particular group of people did or did not receive because of the present grand jury investigation.

Mr. Fauntroy. Mr. McKinney.

Mr. McKinney. Thank you, Mr. Chairman.

Mr. Salvemini, in your portion of the testimony, you mentioned the dollar figure for the overtime you reviewed from the fiscal period of 1983 through 1985. That figure was $8.4 million. Can you give me an estimate of how much of that total is unsupported?

Mr. Salvemini. As far as that total, I would prefer not to speak to it directly. As you know, the matter is a subject of a grand jury investigation in the U.S. attorney's office. We ask your indulgence in not answering that question.

Mr. McKinney. From your review of the more recent pay periods, you would say the situation with respect to proper documentation and approval has changed? You mentioned that you had reviewed a pay period recently, in April of this year, I believe, to the chairman, and I am not interested in the dollar amount, I just want to know about the decline.

Mr. Salvemini. As of our last review of the payroll situation, from a documentation standpoint, no, that had not changed. There were still problems with sign-in/sign-out sheets. Our check at the receiving home, on an unannounced shift check as we mentioned, came up with employees signing in and out at the same time. In fact, our check started at 10:30 in the morning, and two employees had already signed out for two overtime shifts for midnight that night. So the documentation, at least as of April of this year, has not changed at all.

Mr. McKinney. At 10:30 in the morning, two employees had signed up for overtime that night, and they hadn't worked yet?

Mr. Salvemini. Yes.

Mr. McKinney. You also provided a figure concerning contracts for the 2-year period of fiscal 1984 and 1985, and that figure was $14.9 million. Based on your review and analysis, what percentage of that amount would you consider to be improperly awarded or at least questionable because of a lack of required documentation?

Mr. Salvemini. Again, as you know, a contract investigation is also being conducted by the U.S. attorney's office, the Department of Justice and a Federal grand jury. They are looking at payroll, as well as contract, payments. I would ask your indulgence in that we cannot answer that question at this time.

Mr. **McKinney**. I don't suppose you will be able to answer this next one then. If the combined questionable dollar amount for these two items, one overtime and one contract, is put together in one little department of the District government, what would it come to?

Mr. **Salvemini**. If you put the two figures together, the combined figures, and if you assumed for a moment that both figures were totally wrong, which is a big assumption at this time, but if you added the approximately $15 million on contracts and the $8.4 million in overtime, you would end up with a little better than $23.3 million.

Mr. **McKinney**. That is just about where I got to, $23.3 million.

Mr. Chairman, you know, I have done something this year I have never done before, as you are well aware. It is called the appropriations bill. The request by the city for more money is less than this $23.3 million in this one little tiny department. The Gramm-Rudman cut for the city is only $16.7 million. So obviously there is a way to improve some of those budget matters.

Does GAO believe that YSA's problem in the contracting and payroll area result in poor management only at the administrator's level?

Mr. **Salvemini**. No; we did not, sir. In the payroll area, both the Commissioner on Social Services and the Director of DHS have received financial management reports documenting the YSA overtime expenditures. In addition, funds had to be reprogrammed to cover these expenditures at the YSA facilities.

In the contract area, the DHS contract branch deals with the YSA contracts, and is within the DHS Director's control.

Mr. **McKinney**. Of the 80 contracts you reviewed, how many were the result of a RFP?

Mr. **Dodaro**. About 15 percent were a result of an RFP. The remainder were either original sole source contracts or were renewals which are considered sole source.

Mr. **McKinney**. Fifteen percent.

Mr. **Dodaro**. That is correct.

Mr. **McKinney**. You say more than $5 million was paid by YSA in fiscal year 1985 without sufficient supporting proof. How were those invoices submitted?

Mr. **Salvemini**. The invoices were submitted by the contractors directly to YSA without supporting documents because of a decision that had been made by the former administrator not to receive the backup support because she was dealing with too much paperwork.

But when she made that decision, she did order audits to be performed of certain contracts. The problem with that was that the audits were not performed on all the contracts and, in fact, on the ones that they were performed or they were never submitted to the DHS controller's office to be reviewed.

Mr. **McKinney**. These contracts, then, were paid for without documentation?

Mr. **Salvemini**. Yes, sir. The invoices were paid without supporting documentation.

Mr. **McKinney**. No proof of expenses?

Mr. **Salvemini**. Yes, sir.

Mr. **McKinney**. I have heard that the last time the job descriptions were updated in YSA—now, I don't believe this so I want an answer—the law states every 3 years a job description will be reviewed. But, the last time these were updated was in the early 1800s, and this is now 1986?

Mr. **Dodaro**. Basically, Congressman, there was no knowledge when the last update was performed.

Mr. **McKinney**. Am I correct to say it hasn't happened in this century?

Mr. **Salvemini**. Yes, from what we were told.

Mr. **McKinney**. So, Congress is guilty, too, Mr. Chairman. That should make you feel much better.

Mr. **Fauntroy**. That should, but was DHS operating at the turn of the century?

You may proceed with your questions. I just want to make sure we don't take this too far back.

Mr. **McKinney**. Could you be more specific about the last recommendation you make on page 32 of your statement? I would like some clarification for the record on what is meant by "to exercise sufficient oversight" relating to the direction of DHS and the commissioner of social services.

Mr. **Salvemini**. Well, essentially to make sure the recommendations are implemented, we are recommending that the Mayor direct the deputy mayor to provide enough oversight of the director of DHS and the commissioner of social services to make sure that the monitoring is performed; that those recommendations, those crucial recommendations made to the director and the commissioner, are actually developed and implemented.

Then, we are asking that the development and implementation be checked next year through an independent audit.

Mr. **McKinney**. Why, exactly, did you make those recommendations? I mean, that is——

Mr. **Dodaro**. In terms of the specific one you mentioned, Congressman, or all of the recommendations?

Mr. **McKinney**. That specific one.

Mr. **Dodaro**. Well, one of the reasons was having some independent evaluation done, but done within the framework of the city government, as opposed to having any external investigations done of that sort.

Basically, the recommendations are directed toward those individuals, the director of human services and commissioner on social services, who have primary responsibility for enforcing those laws and providing services.

We also felt, because of the problems in the past, there needs to be some additional checks made, and that is why we had made those recommendations. The recommendations were discussed with the city on June 12, and they basically concurred with them.

Mr. **McKinney**. Let me interpret that statement, then, that answer to the question. Mr. Salvemini or Mr. Dodaro, you are saying the findings of poor management at the highest levels of DHS indicate that an independent overseer or master is necessary if this management problem is ever going to be cleaned up.

Mr. **Dodaro**. I don't think it is quite independent. We feel it can be done within the city structure as it is currently outlined, and that is the way we have directed the recommendation.

Mr. **McKinney**. I am not that happy with that answer. It is hard for me to believe some of these things have been going on for so long without the knowledge of DHS.

Tell me, Mr. Salvemini, is it your opinion the director of DHS and the director of human services will be indicted in relation to contracting and payroll fraud?

Mr. **Salvemini**. Excuse me?

Mr. **McKinney**. That they will be indicted in relation to contract and payroll fraud?

Mr. **Salvemini**. This is a matter before the Federal grand jury; it is being investigated by the FBI and U.S. attorney's office. It would be improper for me to comment on something like that.

Mr. **McKinney**. Can you tell me how many employees of DHS and YSA will be indicted?

Mr. **Salvemini**. No. I would prefer not to answer that question, either. But I do ask your indulgence.

Mr. **McKinney**. We know Public Law 94-142 mandates the U.S. Department of Education with the responsibility to give assistance to those States that need help in complying. Last fall, we heard the Department was going to contract for technical assistance to a number of States, including the District of Columbia, Guam, and Puerto Rico. Since the Department of Education isn't here to answer this—or isn't answering this—maybe you can tell me what is happening with that contract for technical help.

Mr. **Salvemini**. Originally, when that happened, we were not given a reason for the previous RFP being canceled. However, we were told that the decision was made in Madeleine Willis' office, and that a new RFP was being issued.

It differs in that it is targeted to all the States, and not just the exceptional States. That is the difference between the first RFP and the second RFP.

Mr. **McKinney**. Mr. Chairman, Mr. Hamm has a few questions for Mr. Bliley.

Mr. **Fauntroy**. In the absence of Mr. Bliley, Mr. Hamm.

Mr. **Hamm**. Thank you.

Mr. Salvemini, has YSA made any progress in identifying handicapped kids and also in identifying the services needed to be given to these children, according to Public Law 94-142?

Mr. **Salvemini**. Actually, since the last time we testified, there has not been any progress in the identification of handicapped juvenile delinquents. It should be noted, however, that according to the action plan that was developed by the city, and if that is implemented, the public schools in September will take over that identification, and therefore it would be removed out of YSA's control.

Mr. **Hamm**. All right.

You said that delinquents currently attend class for half the day. What do they do for the other half of the day?

Mr. **Salvemini**. From what we observed and were told, they mainly sleep, watch TV, and perform some inside activities, such as ping pong or basketball.

Mr. **Hamm**. The idea of the program is that they have a full day of schooling when they have been identified as needing that?

Mr. **Salvemini**. Yes, sir; that is accurate.

Mr. **Hamm**. Does GAO believe the District agencies can or will implement a plan to correct the problems with special education services?

Mr. **Dodaro**. We believe the District can implement the plan, but as we pointed out in our testimony, it is contingent upon all parties continued cooperation and coordination.

Mr. **Hamm**. You testified somewhat about the overtime situation, and some of the reasons cited for why it came about. Why was it allowed to continue for so long, and, in fact, is continuing up until your last check in April?

Mr. **Dodaro**. One of the basic reasons the city pointed out to us for the emanation of the overtime issue had to do with the basic policy decision that was to close Cedar Knoll in the 1983, 1984 timeframe. And, basically, as that decision began to be implemented, the city experienced an increase in the number of juveniles coming in and also in the length of their stay. And there was a failure in the monitoring of that situation and in making an adjustment to accommodate for that increase. This created a situation where YSA had to rely more and more on overtime staff, and that helped perpetuate the situation, which from a staffing standpoint was already stretched from the beginning.

So, I think that decision and the subsequent actions not to compensate with increased staff for trends that occurred in the exact opposite direction of what prompted the city to make the decision to close Cedar Knoll was the primary reason for it.

Mr. **Hamm**. That decision was made in 1983?

Mr. **Dodaro**. I believe so.

Mr. **Salvemini**. Yes, 1983, to close Cedar Knoll.

Mr. **Hamm**. Adjustment has not been made?

Mr. **Dodaro**. The city is in the process of identifying some of those trends and developing some plans to make that adjustment. It hired 60 temporary employees; and they are also beginning to study the situation in terms of what those trends may be, so they can develop a more permanent solution.

Mr. **Hamm**. They are beginning to study what the trends are?

Mr. **Dodaro**. That is correct.

Mr. **Hamm**. Could you give me a very, very brief description of the state of the Cedar Knoll facility or Oak Hill Annex, as it is now called?

Mr. **Salvemini**. The last time we visited there, which was this year, the buildings were in quite a bit of disarray. Many of the buildings are closed down and boarded up. It is in a sorry state of affairs, in my opinion. It needs a lot of physical work.

Mr. **Hamm**. It was supposed to be closed 3 years ago?

Mr. **Dodaro**. One of the basic reasons they wanted to close the facility was because of the poor physical plant.

Mr. **Hamm**. In other words, it was easier and made more sense at that time to close it down than it did to rehabilitate it, probably?

Mr. **Salvemini**. Yes, except that in the last 2 years when we first started looking at the facility, it obviously has deteriorated even more and gone downhill since the 1983 decision to close it.

Mr. **Hamm**. It is worse now than it was in 1983?

Mr. **Salvemini**. It has deteriorated.

Mr. **Hamm**. Yet, on June 6, when you checked there were 113 residents in that facility?

Mr. **Salvemini**. Yes, sir.

Mr. **Fauntroy**. If the gentleman would yield, the deputy mayor will address this subject in his testimony.

Mr. **Hamm**. All right.

You stated that institutions with—I believe it was with the commissioner—that the YSA staff was in control of those facilities, and that they had—that the commissioner or the administration exercised little control over the employees or the facilities or the whole situation.

Do you have any reason to believe that the staff that is in control of these institutions will cooperate in any of the attempts to correct it?

Mr. **Dodaro**. I think that is going to depend on how serious they perceive management's actions to correct the situation and to enforce the corrective actions the city has put in place. So, I think it is really contingent on that.

Mr. **Hamm**. Did the commissioner have any particular reasons for why the employees were running the institutions and the administration had lost control?

Mr. **Salvemini**. I believe that came from the standpoint that since they were so understaffed, the employees decided when they were going to work and what shifts they were going to work and who was going to work. And, in any attempt to correct these scheduling situations, for example, the employees would just not come in and work overtime, and therefore the city found itself in a situation where they had no coverage.

So, in essence, it was really the staff as opposed to the management who decided who in particular would work, how many hours and at what location, and basically what documentation they were or were not going to sign.

Mr. **Hamm**. Have you heard of any administrative actions or disciplinary proceedings to deal with this situation?

Mr. **Salvemini**. There had been some disciplinary actions attempted by the commissioner's office, not particularly for the payroll situation and not particularly for the lack of documentation, but for certain things such as nonadherence to DHS or YSA policy, such as abandoning your post or abandoning your shift.

If an individual employee was found to have left his shift, for example, if it was a midnight shift and he or she disappeared and something happened, and the commissioner found out that employee wasn't there, then there had been attempts to try to discipline those employees. The attempts were not very successful, and that, from what we were told, is based on the policies and procedures of the District and the union contract.

Mr. **Hamm**. When you did your first check of the District's compliance with Public Law 94-142, what were the qualification status of the special education teachers hired by YSA to fulfill the needs of delinquents in their care?

Mr. **Salvemini**. At that time, we found that the special education teachers had not been certified to teach special education.

Mr. DODARO. Currently, there are 10 at Oak Hill and 1 at the receiving home. Of those 11, 4 of them have not yet applied for certification, and 1 of them was found ineligible. The remaining 6, now though, have temporary or provisional certification by the public schools to teach special education.

That situation has improved, and according to the commissioner on social services they are recruiting additional special education teachers.

Mr. HAMM. You testified that you found that the six YSA staff had been assigned to work at the same time at two different facilities during your check this spring.

Were you able to determine whether any of those employees had actually been paid for those double shifts at the different institutions at the same time?

Mr. SALVEMINI. I think we prefer not to answer that question on the grounds that the U.S. attorney is looking at individual YSA employees and certain criminal allegations that are being investigated by the grand jury.

Mr. HAMM. I understand.

Thank you, Mr. Chairman.

Mr. MCKINNEY. Thank you, Mr. Chairman.

I would like to ask one more question, and then I will finish.

In my opening statement, I said I wished you two gentlemen continued to work with the U.S. attorney and the FBI until their investigations are done, and with this committee. You are willing to do that, I assume.

Mr. DODARO. Yes. At the U.S. attorney's request, we have agreed to assist in the next phase of his investigation.

Mr. MCKINNEY. So that your role will not disappear until the problem is resolved?

Mr. DODARO. Yes, sir.

Mr. FAUNTROY. Let me wrap up by saying that you recall I stated in my opening statement that the 7th annual report on the Implementation of Education of the Handicapped Act indicated that 76 percent of the States monitored are not in compliance with the act.

I wonder if, in your investigation of the District of Columbia's compliance, you had the opportunity to compare what goes on here with what goes on around the country. If so, share with us what that comparison means.

Mr. DODARO. Mr. Chairman, we were not asked specifically to make that comparison, so we don't have any first-hand knowledge. But we have had several discussions with the U.S. Department of Education officials and they have indicated that the problems of the District are not unusual, and occur in other jurisdictions as well, and particularly in the juvenile justice area as it relates to cooperation of various entities that have to take place in order to provide that assistance.

So, while we don't have any first-hand knowledge, according to the U.S. Department of Education officials, there are similar problems in other locations.

Mr. FAUNTROY. You mentioned among the things that can really assure us that we will be brought into compliance is the need for coordination between at least three of our agencies.

Could you give me an example of where that coordination can be improved?

Mr. SALVEMINI. In the transferring of records, for example. If you will recall, back last September when we testified before you, sir, there was a major problem in the transferring of records of juvenile delinquents from the courts to the schools to DHS and then back to the public schools when the juvenile was released from DHS or YSA custody. A major improvement could be made in that area, and that is basically based on cooperation, the willingness of the entities to cooperate, in assuring each other that whatever documentation or information, test results, do in fact get from one entity to the other as the juvenile moves through the system.

Mr. FAUNTROY. I thank you, gentlemen. I won't prolong my questioning.

Mr. MCKINNEY. Let me ask one theoretical question. YSA is going to go to time clocks, they are called. They are electronic, and they are locked. Now they are computerized. This overtime problem would have shown up like a heartbeat in a computer, wouldn't it?

Mr. SALVEMINI. Yes, sir.

Mr. MCKINNEY. I just want to make that mention, Mr. Chairman, because I am trying in every way I can to plead with the District and the business citizens of the District to give the city the managerial experience needed.

Overtime is a problem in a well-run small business.

Mr. SALVEMINI. It should be recognized, though, the time cards that are submitted by YSA to the payroll office are entered into a computer system and then punched out on a check. And that part of it is computerized.

The basic problem, though, is at the responsibility level of making sure that what goes on the time card in hours is in and of itself accurate. In other words, you are not overpaying someone too many hours for 1 day.

Mr. MCKINNEY. But an electronic time machine would solve that problem. If my eye, following the right-hand column back in the sixties, could figure out the problem, certainly a computer would go tilt.

Mr. DODARO. It would have helped the situation and enable more analysis of the information, but the basic fact was that much initial information entering into the system was not accurate because of poor controls.

The District has taken some action. They have instituted time clocks at the institutions. They have given instructions to people on how to authorize the sign-in and sign-out sheets, and other various forms of authorization. The root cause of the problem was that the original data being put together was not reliable.

Mr. MCKINNEY. I am sorry, Mr. Chairman.

Mr. FAUNTROY. Thank you, gentlemen. We certainly appreciate the thoroughness with which you have addressed the whole subject, and we look forward to your continued vigilance as we seek to implement the plan that has been developed.

May I now ask Mr. Alan Schuman, director of the District of Columbia Courts, Social Services Division, would you come forward?

Mr. Schuman, we are aware that you do not have testimony prepared in advance, but we are confident that you will be able to provide us all of the information we seek against the background of your considerable knowledge of what the courts are doing.

I wonder if I may—if you have no preliminary opening statement——

STATEMENT OF ALAN M. SCHUMAN, DIRECTOR, DISTRICT OF COLUMBIA COURTS, SOCIAL SERVICES DIVISION

Mr. **Schuman**. I do. I do have a written statement. I am sorry I didn't get it in sooner. We were at a judicial conference and did the best we could.

If I could just briefly read it into the record, it will take——

Mr. **Fauntroy**. Without objection.

Mr. **Schuman**. It will take 45 seconds, maybe.

My name is Alan M. Schuman. I am the director of social services, social service division, of the Superior Court of the District of Columbia.

We received the recommendations of the General Accounting Office, as they related to the D.C. Superior Court's role in implementing Public Law 94-142, with enthusiasm and with the anticipation that services to handicapped children who come before the court would be improved. I am pleased to report to this subcommittee that we have complied with all of the recommendations relating to the development of an agreement for the mutual exchange of information.

In the process of developing this agreement, I am also pleased to commend the D.C. public school system and the Youth Service Administration for their splendid cooperation and assistance in the development of the agreement. Without this mutual concern for the welfare and future of our troubled youth, this task could have been more difficult.

It would appear that this agreement is certainly the first step in the provision of appropriate educational services for our handicapped youth, and I feel certain that with the continued cooperative spirit, services will be improved.

I thank this subcommittee and the General Accounting Office for bringing this vitally important issue to our attention. I personally chaired the subcommittee between the school system and the D.C. Department of Human Services in developing our interagency agreement that has been signed off by the chief judge of the superior court, the superintendent of the school system, and the director of the D.C. Department of Human Services.

The superior court has their monitoring system in line because we understand an implementation plan is only as good as its monitoring process, and plan to begin our implementation next Monday, and are confident there will be an improvement in services, in exchange of information.

Mr. **Fauntroy**. I thank you, Mr. Schuman. We certainly appreciate your acknowledgement of the fact you have begun not only a very meaningful process of arriving at a plan, but that you have prepared now to begin to implement it.

I wonder if you would be kind enough to share with this subcommittee exactly what the role of the court is under the new plan.

Mr. SCHUMAN. Well, the role of the court is to be sure that the information concerning handicapped juveniles are—that is within the court's procession—are transmitted to the D.C. Department of Human Services or to the public schools when appropriate. And what tends to happen is we receive the reports in helping determine what type of sentence a juvenile should get; and then, if they are committed, for example, to the D.C. Department of Human Resources, we would be sure within a 7-day period, that information that we have concerning educational issues, would be forwarded to the D.C. Department of Human Services. The same thing when they return back to the school.

One part of the process is that if a juvenile is detained, part of our agreement is we will notify the schools immediately so they know what status the juvenile is under, and then when they are returned back into the community the school is notified again. It was a good, cooperative effort. Everyone is enthusiastic, wants to exchange this type of information, and realizes that if the information is exchanged, then we will be providing a better service.

Mr. FAUNTROY. Do you do any testing as a basis for providing information?

Mr. SCHUMAN. We do. We have a very, very small amount of money to contract for some individual educational assessments whenever we think it is needed in the diagnostic part of our process. The school system handles most of those, and occasionally private contractors handle them.

Mr. FAUNTROY. How does this differ from the role prior to the implementation of the plan?

Mr. SCHUMAN. The exchange of information is the primary difference, and the identification of specific liaison people with each agency so that if there is a problem we can nip the problem in the bud and improve the whole process.

Mr. FAUNTROY. Do you anticipate any problems under the new plan that the subcommittee might wish to address?

Mr. SCHUMAN. I anticipate no problems.

Mr. FAUNTROY. Thank you.

Mr. McKinney.

Mr. MCKINNEY. Thank you, Mr. Chairman.

I have really no questions for Mr. Schuman. I do appreciate your coming here.

And I would say, Mr. Chairman, very many people don't realize this, but I appreciate it enormously. Of all the people involved with this problem with Public Law 94-142 when it came to light, he was the first person to call a meeting, and he has been cooperative with this member and to this committee.

And I think that the courts, if they continue their involvement, will be a great help in solving this communications problem.

Mr. SCHUMAN. Thank you, Congressman.

Mr. FAUNTROY. I thank you, as well.

May we now have the panel from the District of Columbia, including Mr. Thomas Downs, our city administrator and deputy mayor; Mr. David Rivers, the director of the D.C. Department of

Human Services, and Ms. Audrey Rowe, commissioner on the D.C. Commission of Social Services.

Lady and gentlemen, we are pleased having you. We look forward to your testimony. We have your statements. You may proceed in whatever manner you choose.

STATEMENTS OF THOMAS DOWNS, CITY ADMINISTRATOR, DEPUTY MAYOR FOR OPERATIONS, DISTRICT OF COLUMBIA; DAVID E. RIVERS, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES; AUDREY ROWE, COMMISSIONER, COMMISSION ON SOCIAL SERVICES, DISTRICT OF COLUMBIA, DEPARTMENT OF HUMAN SERVICES

STATEMENT OF THOMAS DOWNS

Mr. Downs. I had some opening remarks. I would like to give you my testimony verbatim for entry into the record. But I would like to preface a couple of remarks before we begin.

First, the process of coordinating the actions on Public Law 94-142 has been an earnest effort across-the-board between the schools, the courts, and the city in recognizing we had a problem similar to those of most other States in the United States.

We had a serious obligation to conform with the intent of Public Law 94-142. We are pleased to see GAO says the plan that has been signed by the court, the schools, and the District government meets their concerns in their September report.

It sets us well on the road to accomplishing the ends of the Public Law 94-142.

The concern raised by the General Accounting Office about the availability of funds is one that we have already made the decision and have made the funds available for this fiscal year for the schools and will continue, as we have committed to the schools, that if additional needs develop we will provide those resources to the schools to provide those services.

In addition, we will be glad, as the committee suggested and its members suggested, to submit a regular report to the committees on a timely fashion on compliance with Public Law 94-142.

We also would hope that every other State and jurisdiction in the United States would have a similar responsibility, that we would be treated as a matter of course as part of a national compliance issue with the Congress.

In terms of the management audit review that the GAO did beyond the Public Law 94-142, I would like to make a couple of additional comments as well.

We have had, obviously, a set of management problems with control of both overtime and contracts. Unlike some other governments, we have not been reluctant to step up to our public and publicly admit we have had problems, recognized them and correct them ourselves. We have not shirked any responsibilities in fully cooperating with any of the numerous investigations and reviews going on within the Youth Services Administration.

As a matter of fact, we have assigned additional staff to provide the information requested by the various organizations reviewing the actions of the Youth Services Administration.

I do, however, want though very vigorously to put in context what happened in the Youth Services Administration. The Youth Services Administration was an administration problem, as a result of several policy decisions, some made within the District of Columbia government and some outside of its control.

As has been mentioned earlier, for a variety of reasons, a decision was made to close Cedar Knoll. We had been sued about the inadequacy of the facilities. It served a multiplicity of purposes in aged buildings and it was not suitable for its purpose.

We negotiated that with the courts and the public defenders service. We got an agreement. We thought about what that meant and when we would close.

The reason that this government made that policy decision both as a matter of public policy and as a matter of its adoption in its 1985 budget was that for several years we had significant decreases in the number of juvenile arrests for serious offenses.

For instance, such arrests had decreased by 48 percent from 1974 until 1983, and as a result the daily population of the facility had decreased from an average of 109 committed juveniles and 121 detained youth to 76 committed and 52 detained.

Both Cedar Knoll and Oak Hill were suffering from a staff shortage. We made the decision that we would put some temporary positions into the budget for transition purposes, close Cedar Knoll, build a modular facility within Oak Hill, transfer the staff that was then currently at Cedar Knoll to Oak Hill to provide the staffing for a facility with a target population that at that time everybody agreed was reasonable.

Several things happened after that. We negotiated an agreement with the public defenders service about the reasonableness of closing the facility. We made that decision and notified the courts in writing, we notified the chief judge of the superior court that we would close Cedar Knoll on July 1, 1985.

By that time, we had, as of July of 1985, and this is one of the most important parts of understanding what happened in this situation. By July of 1985, at Cedar Knoll we were down to 9 committed and 32 detained youth, the lowest population in Cedar Knoll's history.

We had every reasonable expectation at that point that we would successfully close Cedar Knoll, move that population to Oak Hill, open the facilities and transfer the staff.

There was nobody in the system, including the courts and the public defenders service, who doubted that was a reasonable and proper policy decision that was made. The number of juveniles in the system, as I said, decreased until mid-1983.

The number of adjudications began to gradually increase, but we succeeded in a decision to outplace into community facilities and with contract professional services into nondetained status the number of juveniles.

That was, again, a decision to outplace in a sense the privatized part of the service delivery within the Youth Services Administration.

We successfully coped with a mild increase, in other words, in juveniles in the system, although at the same time, in 1983 and 1984, the number of juveniles who showed up with a drug offense increased by approximately 178 percent.

The backlog began to tell in 1984 with the court's adjudication and hearings process. The number of youths in the system and the average length of stay began to increase at the same time, between fiscal year 1984 and 1985, the number of juveniles detained by the court pending trial and thus those entering the Youth Services Administration for placement increased by 11 percent.

The number of youths requiring court ordered secure detention, in other words, placement at Oak Hill or Cedar Knoll or the receiving home, increased by 21 percent monthly and averaged seven additional young people per month into the youth system.

While it is difficult to compare the general detention rate in the District of 29 percent of youth in the system being detained, the U.S. Department of Justice says our court system has the highest detention rate in the United States.

In addition to the high numbers of youth detained, the average length of stay by those detained was also increasing. We now have the highest length of detained stay in the United States.

Juveniles in our secured facilities are detained an average of 87 days pending adjudication. Less than half of our detained young people are released within 60 days and young people detained in nonsecured detention are detained an average of 109 days.

The defensible national standards according to the advocacy groups in the Justice Department is 5 days. The court's problem is the backup within the juvenile court system itself is in holding youth pending adjudication.

On the average, the first scheduled court date for a detained youth is 37 days after the detention decision. Most juveniles, at least 80 percent, have their cases continued for one reason or another.

The time period is well past the requirements recommended by professional standards. Under those guidelines, they recommend a range of guidelines but suggest the trial should be held no more than 30 days after the arrest or charge.

Both the detention rate and the length of stay rates are separate crucial factors in overcrowded detention programs. Both of these rates are controlled by the court and the Youth Services Administration controls the number of beds available, but not the young people detained or the length of their stay.

If YSA projects the number of bed slots needed based on the previous year's experience, the number of beds will be adequate only if the number of cases remains the same, the detention rate remains the same and the length of stay remains the same.

In other words, we only control the receipt of the juveniles into the system, we don't control the decisions about what is a reasonable level or number of juveniles to be housed.

We thought we had made a decision about that, that was reasonable and that everybody agreed on, based on previous detention rates.

Mr. McKINNEY. I think we should probably just for the record submit—what is a juvenile within the jurisdiction of the District, up to 17 or 18 agewise?

Mr. DOWNS. Seventeen.

Mr. **McKinney**. I just wanted to clarify that for the record.

Mr. **Downs**. Seventeen or eighteen.

Mr. **McKinney**. There is a transition period?

Mr. **Downs**. The court can make a determination if they fall within the Youth Act versus the juvenile status earlier than their 18th birthday, depending oftentimes on the crime.

We were least prepared to respond in the area of staffing. As I said, we had made the decision in the fiscal year 1985 budget to close the facility. We had the population down to the point where we could. From the end of July 1985 through August, September, October, and November, we had almost 158 percent increase in loadings within the juvenile justice system, of children in detailed status and that did several things.

It loads the special education program and it makes for a longer wait for diagnosis because there are simply a lot more kids to go through the process.

It requires, obviously, some staffing adjustments to be made. At the time we had no way of knowing whether those trends that took place in that 3- to 4-month period of time, where we almost doubled the size of our youth detention population, would be a long-term trend or not, and made the decision the best way to try to cope with it until we sorted the trend out, was to put the staff on overtime for a period of time to see what the trends looked like and whether or not we could actually manage the closeout of Cedar Knoll and the staffing transferred to Oak Hill.

In spite of these problems, and perhaps in part because of them, institutional controls lapsed. We will not under any circumstances say that if mistakes were not made that both errors of judgment and even decisions based on avarice did not occur in this system. Mistakes were made.

If they were made of a criminal nature, we will do everything in our power to make sure that those who committed them feel the full weight of the law. We have never waived from that position.

We do, though, want to make sure there is an understanding that the problem that was created in terms of overtime was one of a policy decision made outside of youth services and human services, that the proper thing to do with Cedar Knoll was to close it.

In terms of contracts, we made a conscious decision 5 years ago because of the inability to obtain top qualified services and the need to deinstitutionalize a number of youth services into the community, that we should privatize the number of services and do so by contract.

That was a conscious policy decision made by the administration to privatize. Not unlike several experiences the National Government has had with privatization, we found if you did not put into place a parallel set of management, stringent management controls over private sector contracting, you wound up with problems and we had problems in documentation and quality control.

That was our fault for not putting in place tandom controls that were necessary to carry out necessary privatization initiative within youth services. We still do not think it was a mistake to make the decision to hire outside professional services in the private sector and to contract for community-based services.

We do think it was a mistake to not provide the quality assurance and integrity that is necessary for that privatization initiative.

We have taken it as a serious responsibility in every single case that has been raised either about problems within overtime control or contract procedures where there is a question either of the efficacy of the expenditure of the funds or public integrity to take aggressive steps now, aggressive steps in every single case that has been raised by the General Accounting Office for our own internal review processes within the Youth Services Administration.

I don't think that it is fair to categorize this as a problem of runaway overtime that the administration was insensitive to and incompetent to recognizing.

We knew we had a serious operational problem in an agency that was in the midst of a crisis that affected services and staffing across-the-board. We would hope that you could put this problem in that context.

We do not say that in any way to lessen the responsibility or the impact of the mistakes and the problems that were made within that administration, but we hope that these problems will be put in the context of what has happened within our juvenile justice system in the last year, in the last 18 months in terms of loading, in terms of staff demands and in terms of the services that were demanded for these children.

We knew we had a problem in staffing. How much of that overtime is a part of a criminal fraud process, I cannot tell you, but we have cooperated in every conceivable way with the General Accounting Office and the U.S. attorney's office to get at that.

We will continue to do that. That is our commitment to you in this process.

I have asked Mr. Rivers and Ms. Rowe to delineate carefully the control steps that have been taken to correct the problems that have been pointed out in this review.

Thank you, Mr. Chairman.

Mr. FAUNTROY. I thank you, and we will be questioning you.

[The prepared statement of Mr. Downs follows:]

STATEMENT OF

THOMAS M. DOWNS

CITY ADMINISTRATOR/DEPUTY MAYOR FOR OPERATIONS

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

ON

COMPLIANCE WITH P.L. 94-142

AND

ISSUES PERTAINING TO THE YOUTH SERVICES ADMINISTRATION

JUNE 20, 1986

Mr. Chairman and Members of the Subcommittee:

Good Afternoon, I am Thomas M. Downs, City Administrator/Deputy Mayor of Operations for the District of Columbia Government. Joining me at the witness table is David E. Rivers, Director of the Department of Human Services; Audrey Rowe, Commissioner of Social Services and Robert Malson, Acting Administrator of the Youth Services Administration.

We are here this afternoon to present follow-up testimony concerning the special education services provided by the Youth Services Administration (YSA) of the Department of Human Services, which has as its responsibility the provision of custodial, rehabilitative and educational services to delinquent youth in the District of Columbia. We will also address the additional concerns raised by the General Accounting Office related to the personnel and contracting procedures as they relate to the delivery of services provided by YSA. I will present an analysis of the events that have led to the recent crisis in the Youth Services Administration, touching on some of the concerns previously mentioned which will be followed by statements from Mr. Rivers and Ms. Rowe addressing specific efforts to more effectively administer and monitor services provided by YSA to delinquent youth.

First, in response to the recommendations presented by GAO in September concerning the implementation of P.L. 94-142 in the District of Columbia, the seven recommendations suggested have been met. Educational services are a critical component of the treatment and rehabilitative programs in YSA institutions. Continuing efforts to move the District's youth agency closer to total compliance with P.L. 94-142 will be discussed later by Ms. Rowe, but let it be said that we are making progress in this area.

In recent months, the Youth Services Administration has been the subject of a number of external and internal reviews. In addition to matters raised concerning the provision of special education, GAO raised additional issues of management controls within the administration as they relate to the use of overtime and contracting procedures.

Their reports suggest that lapsed management controls allowed for excessive overtime and possible abuse of overtime by YSA staff. The District government has been aware of excessive overtime within YSA for quite some time. In May of 1982 a comprehensive analysis on the use of overtime within the administration was conducted by the Productivity

Management Services Unit of the Office of the City Administrator and the Federal Bureau of Prisons. The final report concluded that 86% of all overtime was based on inadequate staffing, 11% was based on high absenteeism and the remaining 3% reflected poor time management and poor scheduling. In response to this report the Department of Human Services implemented a number of steps to address issues concerning the usage of overtime. Post studies indicated significant reductions in overtime costs within YSA due to our corrective actions.

I cite this example of the government's earlier actions to address excessive overtime within Youth Services Administration to raise the point that the District government, in particular the Department of Human Services and the Youth Services Administration, are capable of handling problems and concerns that arise regarding the efficient administration of their services. In this instance, the city identified a problem, properly analyzed it to reveal its possible causes, and took the necessary steps to address the undesired situation. Mr. Rivers will specifically address overtime and our findings concerning the issue; however, the fact that the District government recognized this problem approximately three (3) years ago and adequately addressed the issue without the intervention of investigative bodies to direct our efforts to practice or implement sound, efficient management controls is an important one. As is true of any government, there are times that we make mistakes or do not choose the best possible solutions; however, the D.C. government does have an internal management control system that is capable of revealing potential problems or system malfunctions.

The reviews that have been conducted suggest some serious problems within the Youth Services Administration; however, the problems identified within that system cannot be viewed in isolation. YSA is a part of the juvenile justice system which includes the courts, the school system, the Corporation Counsel, the Public Defender Service, and Criminal Justice Act attorneys. While the Youth Services Administration is responsible for the care and supervision of juveniles while they are detained, committed or placed in the community in aftercare, juvenile offenders are tried in the Family Division of the District's Superior Court, are prosecuted by the Office of the Corporation Counsel, and are defended by attorneys from the Public Defender Service, by private attorneys or by attorneys provided through the Criminal Justice Act.

Therefore, the decisions and operational procedures of these agencies directly affect the day to day operations of YSA even though they are not and cannot be controlled by YSA. While this does not relieve YSA of any responsibility for problems that may have occurred within the administration, it puts those problems in context and provides a perspective which is necessary to understand and remedy the problems which have been identified. Significant elements of that context include the history of the closing of Cedar Knoll, trends in juvenile arrests, and rates and length of detention.

In the fall of 1984, Mayor Barry approved a proposed consent agreement between the Department of Human Services and the Public Defender's Service to close Cedar Knoll. This decision came after more than one year of negotiations and a detailed in-house review of the long-range plan for our youth services system.

We made this decision for a host of reasons, including the following:

The District was experiencing a significant decrease in the number of juvenile arrests for serious offenses; such arrests had decreased by 48 percent from 1975 to 1983. As a result, the daily population of the facility had decreased from an average of 109 committed and 121 detained youth to 76 committed and 52 detained.

Both Cedar Knoll and Oak Hill were suffering from a shortage of staff. A sufficient increase in staff at Cedar Knoll would be costly and, we believe, inefficient.

The Cedar Knoll facility had serious physical plant problems which would require costly repairs to correct.

Cedar Knoll at the time housed a variety of committed and detained males as well as the entire Youth Services Administration female population. All three of these populations must by law be kept separated, which required separate security and educational services for each group, causing serious security and management problems.

The closure of Cedar Knoll was recommended by the Mayor's 1982 Transition Team as the basis for a change in the philosophy of juvenile detention treatment. This philosophical change is one which has been uppermost in our planning since we assumed responsibility for youth services.

For all these reasons, closure of Cedar Knoll and establishment of alternative programs provided the most logical option for efficiency as well as quality programs for the young people. The closure of Cedar Knoll was contingent on a transition plan which would ensure that adequate replacement programs were available. These included renovation and conversion of existing facilities at the Receiving Home to provide services for detained youth in a maximum security setting, development of a comprehensive community-based set of programs, including the establishment of two additional shelter homes for detained youth and a group home for female committed youth.

The establishment of this system, along with increased educational and employment training, would, we felt, ensure an improved and quality system for treatment of the city's juvenile population.

After this decision was made, and agreement reached with the Public Defender's Service and Youth Services Administration announced its intention to close Cedar Knoll by July 1, 1985.

Originally, we aimed for closing Cedar Knoll by October 1, 1983. That action was delayed by a number of factors, including delays in renovations at the Receiving Home, lengthy procedures to establish contracts for the alternative programs, and extensive negotiations between Youth Services Administration and the Public Defender's Services which resulted in a joint plan concerning use of the Receiving Home and the closing of Cedar Knoll.

With all the preliminary preparations completed, we announced in April 1985 that Cedar Knoll would be closed by July 1, 1985. This decision was formally announced by a letter to the Chief Judge of the Superior Court, notifying him of the action to be taken and the effective date.

At that time, the entire process was on course. All necessary alternative programs were in place and Cedar Knoll's overall population continued to decline as predicted. By July of 1985, the facility's average daily population was down to 9 committed and 32 detained youth, the lowest population in Cedar Knoll's history.

It was just at that time, however, that the trends changed, and the numbers of young people committed to our system began to increase.

In order for you to understand the severity of the situation which we began to confront in July 1985, you need to know about the changes that were occurring in our courts.

Until 1983, the number of juveniles in the system was decreasing. From FY 1983 to 1985, however, the total number of juvenile cases increased by 7 percent, to 2,803 cases in 1985. While the number of cases such as burglary, robbery and shoplifting continued to decrease, the number of young people in the District charged with drug-related offenses soared. The number of young people charged with drug offenses as well as car theft and aggravated assaults increased 178 percent in those two years. Also, young people apprehended from other jurisdictions awaiting transfer to their home area, and therefore in need of secure detention, increased 19 percent.

In addition, the increasing numbers caused a backlog in both the numbers of youth in the system and the average length of their stay. Between FY 84 and 85, the number of juveniles detained by the court pending trial (in other words, those entering the Youth Services Administration system for placement) increased by 11 percent. The number of youth requiring court ordered secure detention (placement at Oak Hill or the Receiving Home) increased by 21 percent monthly, averaging 87 additional young people a month.

As you know, judges have broad discretion in deciding whether to order a young person detained until trial. While it is difficult to compare the District's general detention rate of 29 percent to other jurisdictions, we can say that the U.S. Department of Justice has said it is the highest in the country.

In addition to the high numbers, the average length of stay by these detained young people was also increasing. Juveniles in our secure facilities are detained for an average of 87 days; less than half of our detained young people are released within 60 days. And young people detained in nonsecure detention are detained an average of 109 days.

On the average, the first scheduled court date for a detained youth is 37 days after the detention decision, and most juveniles (at least 80 percent) have their cases continued for one reason or another. This time period is well past the requirements recommended by professional standards, including those specified by the Institute for Judicial Administration and the American Bar Association's Juvenile Justice Standards. Under those guidelines, they recommend a range of time guides, but suggest that trials should be held no more than 30 days of the arrest or charge.

Both the detention rate and the length of stay rates are separate and crucial factors in overcrowded detention programs. Both of those rates are controlled by the court. YSA controls the number of beds available, but not the number of young people detained or the length of their stay. If YSA projects the number of bed/slots needed based on the previous year's experience, the number of beds will be adequate only if the number of cases remains the same, the detention rate remains the same and the length of stay remains the same.

All of this demonstrates the problem we faced at YSA last July, and which we continue to face. It is clear to us now that the program as planned was not stable enough to absorb the steadily increasing number of young people entering and staying in our system. Our efforts were focused on the transition from Cedar Knoll to alternate programs which we believed would more effectively serve the needs of our young people and on improving our educational programs. We had no way to anticipate the changes in the system which we have had to deal with and we failed to respond to those dynamics as well as we might had our system been in less of a transitional mode.

We were least prepared to respond in the area of staffing. When we prepared to close Cedar Knoll, we intended to move its staff to Oak Hill to address a serious understaffing and resulting overtime problem which had existed there for some time. When this happened, the result was that the continuing and unexpected demand at Cedar Knoll resulted in even more severe understaffing there.

At the time, we had no way of knowing whether the trends we were experiencing at Cedar Knoll last summer were temporary or not, and did not understand the surrounding factors well enough to know what response would be effective in the long run. As a result, we felt that authorizing overtime would deal with the problem. When it became apparent that the trend would continue, we began to address the long-term issues this fact presented.

In spite of these efforts, a lapse occurred in our institutional controls.

The use of overtime staffing was a necessary step to ensure adequate 24-hour coverage of all our institutions. However, the increased demands and need to rely on overtime staffing created a situation which it appears abuse of overtime policies and procedures did occur. However, it is important to understand that this overtime was necessary for the safe operation of the facilities; the institution could not have operated without the use of overtime during that period. Unfortunately, the operational necessities of running a youth detention system dominated the decision-making process to an extent that should not have occurred. I might add that this lesson is one which similar authorities in many other jurisdictions and at all levels of government have learned in recent years.

In the area of contracts for the YSA, this government made a conscious decision five years ago to seek the highest and best qualified professional and technical services available for the youth under D.C. government care. We chose to contract with individuals and organizations that provided services which this government could not readily implement and services in areas that we deemed appropriate with the philosophical nature of the treatment programs we were developing.

As the privatization of services was implemented, the fiscal monitoring controls to oversee the expenditure of funds were not moving in tandem with the provision of those services. The expansion of contracted services rapidly out-paced the Department's capacity to efficiently and effectively control the YSA's finances.

To correct the deficiences in the Department of Human Services, the Director has moved to implement new procedures to monitor contracts to assure that the services we are paying for are actually being delivered to our youth. This management decision, coupled with the new D.C. Procurement Act, will directly control the contract policies and procedures in the Department of Human Services, Commission on Social Services.

There is no question that we have made mistakes in the past. These mistakes resulted in the opportunity for what appears to be criminal activities related to overtime pay and payroll. Mayor Barry and this government will not tolerate these abuses of the public trust by its employees. We have cooperated with the investigating authorities in every way possible to uncover these abuses, and will continue to do so.

The priority within YSA has always been the health and well being of the youth in our programs. Although the youth agency has been under a considerable amount of stress as a result of numerous ongoing investigations and lapses in management controls, we have continued to develop new program components and to strengthen existing ones. Mr. Rivers will now address new policies and procedures that have been developed to address the use of overtime, to more effectively monitor contracts and to correct staffing problems. Ms. Rowe will then address specific actions taken to improve and enhance existing programs while exploring new programs as well. We will continue our efforts to provide quality services to our youth while ensuring safe, adequate residential facilities. We will consider all recommendations suggested to us by those in good faith to assist us along the way, but more importantly we will continue to utilize our internal management control system to direct and monitor our efforts.

Mr. **Fauntroy.** Mr. Rivers.

STATEMENT OF DAVID E. RIVERS

Mr. **Rivers.** Thank you very much.

I have submitted a complete statement for the record.

I would like to summarize some of the major steps we are taking right now within YSA. We have completed—about to complete the hiring of 60 employees, additional employees at YSA. To date, we have brought onboard 54 of those employees. Currently, they are receiving training within our system and obviously will be on the job—and are on the job currently, and 54 of 60 employees are currently on the job.

We have also identified other controls in authorizing overtime. For instance, right now no one could make over 20 hours per pay period without signoff by the commissioner and myself in order to again limit the utilization of overtime.

In addition, we have installed three time clocks at the receiving home, at Cedar Knoll and Oak Hill, and, again, in order to look at detailed overtime requests being made by employees. That has been done.

The clocks were installed a week ago. Also, we are having training sessions for supervisors in order to better document and to authorize overtime being requested by employees if, indeed, the need for overtime is warranted.

If you look at the contract, I think for the record I would like to talk a little about the contracts in terms of the numbers. I think the numbers you heard earlier by GAO is misleading in terms of negotiated services contracts.

In fiscal year 1985, Youth Services Administration had 30 negotiated services contracts which were awarded to total about $6 million. Of this amount, $4.9 million or 81 percent were awarded through the competitive bidding process.

Thus, only 19 percent of this total was awarded through a sole source selection. In 1986, we awarded 26 negotiated services contracts, which totaled $5 million. Of this amount, $4 million or 80 percent was awarded through a competitive bidding process.

So, again, there is some major problems with the numbers that were presented today.

In addition, we are also looking at ways to improve our contracting monitoring process as indicated by GAO. We have created an additional audit unit within the office that will work in conjunction with Youth Services Administration in terms of monitoring financially and programmatically the results of work done by contractors in this area.

Also, we established a quality assurance unit within the office of general counsel. Again, that will look at awarding of contracting—looking at laws and making sure we are awarding contracts in line with proper procurement procedures.

All in all, I think the recommendations made by GAO have been dealt with and we plan to monitor and follow and carry out all those recommendations to ensure we are paying for and monitoring proper services that is being provided by our contractors.

So all in all, sir, I think we have moved aggressively. We plan to communicate with and cooperate with all recommendations coming from this committee and GAO.

Thank you very much.

Mr. **Fauntroy**. I thank you very much.

[The prepared statement of Mr. Rivers follows:]

STATEMENT OF
DAVID E. RIVERS, DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES
BEFORE THE
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH
COMMITTEE ON THE DISTRICT OF COLUMBIA
ON
COMPLIANCE WITH P.L. 94-142
AND
ISSUES PERTAINING TO THE YOUTH SERVICES ADMINISTRATION
JUNE 20, 1986

I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE THIS COMMITTEE TO DISCUSS STEPS BEING TAKEN BY THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE PROBLEMS IN THE OPERATION OF OUR JUVENILE DELINQUENCY PROGRAMS.

AS YOU KNOW, THESE PROGRAMS -- WHICH ARE ADMINISTERED BY THE YOUTH SERVICES ADMINISTRATION UNDER THE COMMISSION ON SOCIAL SERVICES -- PRIMARILY INCLUDE OPERATION OF THE DETENTION INSTITUTIONS AND COMMUNITY GROUP HOMES.

IN THIS STATEMENT, I WILL FOCUS ON THREE MAJOR AREAS IN THE YOUTH SERVICES ADMINISTRATION: OVERTIME COSTS, AWARDING OF CONTRACTS AND CONTRACT MONITORING.

PROBLEMS IN THESE AREAS CAN BE TRACED, AS THE MAYOR HAS STATED, TO A "LAPSE IN MANAGEMENT CONTROL".

IN ADDITION, WE ARE FACED WITH ALLEGATIONS OF EXCESSIVE USE OF OVERTIME THAT MAY HAVE INVOLVED FRAUD BY INDIVIDUAL EMPLOYEES AND INEFFICIENT MONITORING OF CONTRACTS.

I CANNOT OVEREMPHASIZE THIS DEPARTMENT'S DEEP CONCERN OVER THESE PROBLEMS, AND OUR COMMITMENT TO TAKE ALL ACTIONS NECESSARY TO CORRECT THEM. WE ARE PROVIDING ALL POSSIBLE ASSISTANCE IN THE CURRENT INVESTIGATIONS AND WILL TAKE IMMEDIATE APPROPRIATE DISCIPLINARY ACTION -- INCLUDING INITIATING PROSECUTION -- WHEN INDICATED BY THE CURRENT INVESTIGATIONS.

OVERTIME

IN THE AREA OF OVERTIME PAYMENTS, LET ME FIRST POINT OUT THAT OUR REVIEW OF OVERTIME USE AT YSA AND THAT OF GAO SHOWED THAT EXCESSIVE EXPENDITURES WERE MADE. AGAIN, A LAPSE IN MANAGEMENT CONTROLS WAS A CONTRIBUTING FACTOR.

THERE ARE HOWEVER, LEGITIMATE REASONS FOR MUCH OF THE OVERTIME USE. THESE INCLUDE:

- THE DETENTION INSTITUTIONS MUST BE STAFFED ON A 24-HOURS-A-DAY BASIS.

- NO FUNDS HAVE BEEN BUDGETED SINCE FISCAL YEAR 1984 FOR CEDAR KNOLL, WHICH WAS TO HAVE CLOSED. ADDITIONALLY ALL POSITIONS THERE WERE ABOLISHED. HOWEVER, WE HAVE BEEN FORCED TO KEEP CEDAR KNOLL IN OPERATION AS AN ANNEX TO OAK HILL, BECAUSE OAK HILL CONTINUES TO BE FILLED TO ITS 160 BED CAPACITY AND THERE IS AN OVERFLOW OF OVER 100 YOUTH HOUSED AT CEDAR KNOLL. THUS, IT HAS BEEN NECESSARY TO STAFF THESE INSTITUTIONS ON AN OVERTIME BASIS.

- THERE HAS BEEN A STEADY RISE IN THE NUMBER OF JUVENILES REFERRED TO THE YOUTH SERVICES ADMINISTRATION BY THE

COURTS, PRIMARILY AS A RESULT OF OUR EXPANDED URINE TESTING PROGRAM TO DETECT DRUG USE.

UNTIL 1983, THE NUMBER OF JUVENILES IN THE SYSTEM WAS DECREASING. FROM FY 1983 TO 1985, HOWEVER, THE TOTAL NUMBER OF JUVENILE CASES INCREASED BY 7 PERCENT, TO 2,803 CASES IN 1985.

THE NUMBER OF YOUNG PEOPLE CHARGED WITH DRUG OFFENSES AS WELL AS CAR THEFT AND AGGRAVATED ASSAULTS INCREASED 178 PERCENT IN THOSE TWO YEARS. ALSO, YOUNG PEOPLE APPREHENDED FROM OTHER JURISDICTIONS AWAITING TRANSFER TO THEIR HOME AREA, AND THEREFORE IN NEED OF SECURE DETENTION, INCREASED 19 PERCENT.

IN ADDITION, THE INCREASING NUMBERS CAUSED A BACKLOG IN BOTH THE NUMBERS OF YOUTH IN THE SYSTEM AND THE AVERAGE LENGTH OF THEIR STAY. BETWEEN FY 84 AND 85, THE NUMBER OF JUVENILES DETAINED BY THE COURT PENDING TRAIL (IN OTHER WORDS, THOSE

ENTERING THE YSA SYSTEM FOR PLACEMENT) INCREASED BY 11 PERCENT. THE NUMBER OF YOUTH REQUIRING BY COURT ORDER SECURE DETENTION (PLACEMENT AT OAK HILL OR THE RECEIVING HOME) INCREASED BY 21 PERCENT MONTHLY, AVERAGING 87 ADDITIONAL YOUNG PEOPLE A MONTH.

THE DETENTION RATE (THE PROPORTION OF PETITIONED JUVENILES WHO ARE DETAINED BY THE COURT) AND THE LENGTH OF STAY IN DETENTION ARE TWO DIFFERENT AND IMPORTANT FACTORS IN OVERCROWDED DETENTION PROGRAMS. BOTH DETENTION RATE AND LENGTH OF STAY IN DETENTION ARE CONTROLLED BY THE COURT.

IN GENERAL, IF THE NUMBER OF PETITIONED CASES INCREASES, THE NUMBER OF YOUTH DETAINED WILL INCREASE. IN GENERAL, IF THE NUMBER OF YOUTH DETAINED INCREASES, THE LENGTH OF STAY WILL INCREASE BECAUSE OF THE ADDED PRESSURE ON THE COURT'S CALENDAR.

YSA CONTROLS THE NUMBER OF BEDS IN SECURE DETENTION AND THE NUMBER OF SLOTS IN NON-SECURE DETENTION. IF YSA PROJECTS THE NUMBER OF BEDS/SLOTS NEEDED ON THE PREVIOUS YEAR USAGE, THE NUMBER OF BEDS WILL BE ADEQUATE _IF_ THE NUMBER OF PETITIONED CASES REMAINS THE SAME, AND _IF_ THE DETENTION REMAINS THE SAME AND _IF_ THE LENGTH OF STAY REMAINS THE SAME. CONSEQUENTLY, YSA EXPERIENCED A SEVERE CRISIS WHEN PLANS TO CLOSE CEDAR KNOLL WERE STALLED BY THE REVERSAL OF THE DECREASING TRENDS THAT YSA HAD USED TO DEVELOP ITS PROJECTIONS FOR BOTH FY '85 AND FY '86.

THUS, THERE HAVE BEEN A NUMBER OF UNCONTROLLABLE FACTORS REQUIRING EXTENSIVE OVERTIME IN THE OPERATIONS OF THESE INSTITUTIONS. HOWEVER, THESE FACTORS DO NOT JUSTIFY OR EXCUSE THE EXCESSIVE OVERTIME PAID TO SOME STAFF MEMBERS.

WE HAVE MOVED AGGRESSIVELY TO ADDRESS THESE PROBLEMS. ACTIONS UNDERWAY INCLUDE:

- WE ARE COMPLETING THE HIRING OF 60 EMPLOYEES FOR THE INSTITUTIONS. AT THIS TIME, 54 OF THE 60 NEW GROUP LEADER POSITIONS HAVE BEEN FILLED, AND THE REMAINING SIX ARE BEING RECRUITED. WE EXPECT THAT THIS ADDITIONAL STAFF WILL SAVE $1,682,000 ON AN ANNUAL BASIS.

- INTENSIVE TRAINING SESSIONS ARE BEING PROVIDED FOR BOTH THE NEW AND CURRENT EMPLOYEES ON ALL ASPECTS OF THE JUVENILE JUSTICE SYSTEM AND THE PHILOSOPHICAL ORIENTATION OF YSA. ISSUES ADDRESSED IN THE TRAINING INCLUDE: YSA POLICY AND PROCEDURES, SECURITY PROCEDURES, LEGAL ISSUES, INTERPERSONAL SKILLS, YOUTH GROWTH AND DEVELOPMENT, AND EMERGENCY PREPAREDNESS.

- WE HAVE DEVELOPED MORE STRINGENT CONTROLS ON GRANTING AND AUTHORIZING OVERTIME. THEY INCLUDE REQUIREMENTS OF REPORTING OF THE NAMES OF ALL OFFICIALS AUTHORIZED TO APPROVE OVERTIME; MORE DETAILED INFORMATION CONCERNING OVERTIME WORK AUTHORIZED AND WORKED; A CAP OF NO MORE THAN 20 HOURS OVERTIME FOR ANY EMPLOYEE IN ANY ONE PAY PERIOD EXCEPT IN EMERGENCIES AUTHORIZED BY ME OR THE COMMISSIONER ON SOCIAL SERVICES PERSONALLY, AND DEVELOPMENT OF MORE STRINGENT REQUIREMENTS CONCERNING ADVANCE AUTHORIZATION OF ANY OVERTIME.

- WE HAVE ALSO IMPLEMENTED NEW PROCEDURES IN YSA FOR UTILIZING, DOCUMENTING AND MONITORING OVERTIME. THESE INCLUDE ESTABLISHING MORE CONCISE STAFFING PATTERNS FOR EACH INSTITUTION, AND TRAINING SUPERVISORS ON THE REQUIRED DOCUMENTATION.

- WE ARE INVESTIGATING WAY TO MAKE MORE EFFICIENT USE OF THE EXISTING WORKFORCE THROUGH BETTER DEPLOYMENT, AND/OR CHANGES IN COLLECTIVE BARGAINING AGREEMENTS.

CONTRACT AWARDS

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO PROVIDE THE COMMITTEE WITH ACCURATE DATA ON THE AWARDING OF COMPETITIVELY ISSUED CONTRACTS COMPARED WITH THE GRANTING OF SOLE SOURCE CONTRACTS BY THE YOUTH SERVICES ADMINISTRATION.

CONTRARY TO SOME NEWS MEDIA REPORTS, MOST OF THE CONTRACT DOLLARS HAVE BEEN AWARDED THROUGH THE COMPETITIVE BIDDING PROCESS, AND NOT BY SOLE SOURCE SELECTION.

IN FISCAL YEAR 1985, 30 NEGOTIATED SERVICES CONTRACTS WERE AWARDED BY YSA AND TOTALLED ABOUT 6 MILLION DOLLARS. OF THIS AMOUNT, ABOUT 4.9 MILLION DOLLARS, OR 81 PERCENT, WERE AWARDED THROUGH THE COMPETITIVE BIDDING PROCESS. THUS, ONLY 19 PERCENT OF THIS TOTAL WAS AWARDED THROUGH SOLE SOURCE SELECTIONS.

IN FISCAL YEAR 1986, 26 NEGOTIATED SERVICES CONTRACTS WERE AWARDED AND TOTALLED ABOUT 5 MILLION DOLLARS. OF THIS AMOUNT, MORE THAN 4 MILLION DOLLARS, OR 80 PERCENT, WERE AWARDED THROUGH THE COMPETITIVE BIDDING PROCESS.

IN A RELATED MATTER, THE GENERAL ACCOUNTING OFFICE HAS CRITICIZED THE DEPARTMENT FOR ITS USE OF LETTER CONTRACTS. I WOULD NOTE FIRST THAT THE USE OF LETTER CONTRACTS BY DHS IS AUTHORIZED BY BOTH THE FEDERAL PROCUREMENT REGULATIONS AND THE DISTRICT'S PROCUREMENT LAW, "THE DISTRICT OF COLUMBIA PROCUREMENT PRACTICES ACT OF 1985".

A LETTER CONTRACT IS AN INTERIM DOCUMENT THAT IS LATER REPLACED BY A DEFINITIVE CONTRACT. IT PROVIDES THE DEPARTMENT WITH AN ESSENTIAL MECHANISM IN MEETING HUMAN SERVICE NEEDS IN THE COMMUNITY.

THE LETTER CONTRACT AVOIDS DELAYS IN INITIATING A NEW PROGRAM AND ENSURES CONTINUATION OF EXISTING SERVICES BETWEEN THE TIME A CONTRACT EXPIRES AND A NEW CONTRACT IS AWARDED.

CONTRACT MONITORING

AN AREA THAT NEEDS STRENGTHENING IN THE YOUTH SERVICES ADMINISTRATION IS THE MONITORING OF CONTRACTS.

EFFECTIVE MONITORING -- PRIMARILY THE RESPONSIBILITY OF THE PROGRAM MANAGER -- IS ESSENTIAL TO ENSURE THAT THE CONTRACTED SERVICES ARE BEING DELIVERED IN A SATISFACTORY MANNER. FAILURE

TO MAINTAIN THIS CONTINUING CHECK OPENS THE DOOR TO A BREAKDOWN IN PERFORMANCE BY THE CONTRACTOR, AND IN PAYMENT OF INVALID INVOICES.

THE DEPARTMENT IS TAKING A NUMBER OF STEPS TO ENHANCE THE EFFECTIVENESS OF THE CONTRACTING PROCESS. THESE INITIATIVES INCLUDE:

- THE DEVELOPMENT OF A TRAINING PROGRAM FOR ADMINISTRATORS, HEADS OF OUR EXECUTIVE DIRECTION AND SUPPORT OFFICES, AND CONTRACT ADMINISTRATORS.

  THIS INSTRUCTION WILL BE OFFERED BY THE DEPARTMENT'S TRAINING DIVISION IN CONJUNCTION WITH THE UNIVERSITY OF THE DISTRICT OF COLUMBIA'S SCHOOL OF CONTINUING EDUCATION.

THE PROGRAM WILL COVER THE INITIATION OF THE CONTRACT PROCESS; PROPOSAL REVIEW AND NEGOTIATION; CONSIDERATION BY THE CONTRACT REVIEW COMMITTEE; PLANNING AND SCHEDULING OF MONITORING EFFORTS; THE MONITORING PROCESS TO INCLUDE ROLE AND RESPONSIBILITIES OF THE CONTRACT ADMINISTRATOR AND THE CONTRACT MONITOR;CONTRACT REPORTS; THE CONTRACT FILE, SPECIAL FISCAL PROBLEMS; SITE VISITS AND CORRECTIVE ACTION AND TECHNICAL ASSISTANCE.

- THE ESTABLISHED OF A QUALITY ASSURANCE UNIT TO BE HOUSED IN THE DEPARTMENT'S OFFICE OF THE GENERAL COUNSEL. THAT UNIT WILL TAKE AN ACTIVE ROLE THROUGHOUT THE CONTRACTING PROCESS, WITH SPECIFIC RESPONSIBILITY FOR REVIEWING ALL CONTRACTS AND REQUESTS FOR PROPOSALS FOR LEGAL SUFFICIENCY; AND THE CONTRACTING PROCESS FOR COMPLIANCE WITH APPLICABLE RULES, REGULATIONS AND LAWS.

- AN INTERNAL AUDIT UNIT FOR CONTRACT REVIEW IS BEING ESTABLISHED IN THE DEPARTMENT'S OFFICE OF THE CONTROLLER. THIS UNIT WILL WORK IN CONJUNCTION WITH THE DEPARTMENT'S MANAGEMENT ANALYSIS UNIT AND THE OFFICE OF INSPECTION AN COMPLIANCE TO PERFORM PROGRAM AND FINANCIAL COMPLIANCE AUDITS OF DEPARTMENTAL OPERATIONS AND TO CONDUCT ONGOING EVALUATIONS OF SYSTEMS AND PROCEDURES IN THE DEPARTMENT TO ENSURE COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS AND POLICIES.

- DHS NOW HAS AN AUTOMATED DATA-BASED SYSTEM FOR ALL NEGOTIATED SERVICES CONTRACTS. IN ADDITION, WE ARE SEEKING BIDS FOR A MICROPROCESSING-BASED CONTRACTS MANAGEMENT SYSTEM TO FURTHER ENHANCE THE CONTRACTING PROCESS.

THIS ENHANCEMENT WILL INCREASE OUR ABILITY TO MONITOR THE TIMELY SUBMISSIONS OF CONTRACT RENEWALS.

- DHS HAS DEVELOPED A BUDGET FORMAT THAT STANDARIZES THE PROCESS FOR CONTRACTORS TO PROVIDE COST AND PRICING DATA IN SUBMISSION OF PROPOSALS.

  THE COLLECTION AND ANALYSIS OF THIS DATA WILL ENABLE US TO DETERMINE REASONABLE COSTS FOR THE PROVISION OF SIMILAR SERVICES. IT WILL ALSO PROVIDE CONTRACT COST DATA TO COMPARE WITH INVOICE DATA TO ENSURE ACCURATE PAYMENTS.

IN CONCLUSION, I AGAIN THANK THE COMMITTEE FOR THIS OPPORTUNITY TO OUTLINE THE ACTIONS BEING TAKEN BY THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS PAST PROBLEMS AND ENHANCE OPERATIONS IN THE YOUTH SERVICES ADMINISTRATION.

WITH THESE ACTIONS, AND WITH FRESH LEADERSHIP AT THE YOUTH SERVICES ADMINISTRATION, WE WILL BE MOVING TOWARD OUR COMMON GOAL OF PROVIDING EFFICIENT AND EFFECTIVE OPERATIONS OF OUR CRUCIAL PROGRAMS FOR PREVENTION OF JUVENILE DELINQUENCY.

Mr. **Fauntroy**. May we now hear from Ms. Rowe. Ms. Rowe, we are very happy to have you before our committee.

You may proceed.

STATEMENT OF AUDREY ROWE

Ms. **Rowe**. Thank you, Mr. Chairman. It is a pleasure to be here. I have some prepared remarks, but I would like to put two things into context that were discussed previously. One has to do with the organization of the Youth Services Administration.

As you may very well be aware, the D.C. Department of Human Services was realigned in 1980. At that time, what was previously the bureau of youth services was elevated to an administration, and additional functions were placed within that administration.

One of the other things that the responsibility resulted in was to begin to review all the position descriptions and job descriptions for the new responsibilities as well as for the added responsibilities placed within youth services.

At that time there was also a decision made to change philosophically the manner in which juveniles were treated in terms of institutional placements and to provide for a much larger variety of community-based alternative programs, which Mr. Downs has mentioned, which moved us in an aggressive way toward privatization.

Also, I want to say to the committee that the overtime issue has been an issue that has plagued youth services in its institutional operations for many years.

In May 1982, we requested a comprehensive analysis of the overtime within the administration, and that analysis was continued by the productivity services management unit within the office of the city administrator and the Federal Administrator and the Federal Bureau of Prisons. It was to give us a handle on what was happening in overtime at that time, and to give us some projections on managerially what actions we could take.

That final report concluded that the 86 percent of all the overtime was based on inadequate staffing, 11 was based on high absenteeism, and 3 percent reflected poor time management and poor scheduling.

It was that report as well as a number of other issues which Mr. Downs mentioned that fed into our recommendation that the Cedar Knolls School be closed because of our inability to provide the level of staffing and because of the decreases that we were seeing in juvenile detention rates.

Those activities, nonetheless, we had an administration that spent about 2 years being in transition, and is still in transition as we speak today, because we have not yet been able to close Cedar Knoll due to the length of detention and the number of children that started coming into that institution sometime around the early part of July.

With regard to the specific recommendations made by the General Accounting Office, we have transferred responsibility for testing suspected handicapped delinquents and for preparing all necessary IEP's to the public schools and educational responsibility for the receiving home has also been transferred. We have designated a

YSA liaison who will notify the public schools and coordinate the exchange of records of YSA youth who will be reentering the system.

In addition, we have developed written procedures for forwarding information to the court and the public schools, once notified by the court that a juvenile is being detained or has reentered the school system. We have also taken the necessary steps to hire additional certified special education teachers and to train YSA educational staff in the use of the newly developed procedures. A detailed listing of the actions we have taken to meet all of GAO's requirements is attached to my testimony.

I would now like to address some of the specific issues raised in GAO's testimony today. It is true that we have had to reduce the number of instructional hours for the youth at Oak Hill and Oak Hill Annex. This has occurred as a result of the trends that Mr. Downs described to you earlier and because of difficulties in recruiting certified special education teachers. However, we do recognize that this level of instructional time is unsatisfactory and we are currently taking steps to correct this problem.

We do have a plan in place for providing special education this summer using a resource room model of instruction. We currently have a register with five special education teachers and have begun a national recruitment for those positions.

To address the problem of teachers for the regular school year, we have initiated procedures to intensify our recruitment through a national advertisement campaign and direct contact with colleges and universities.

At the receiving home, we were successful in implementing a program of regular and special education in April 1985. Since that time and following a period of effective special education, several of the specially trained staff have resigned because of maternity reasons and relocation.

However, with the start of the fiscal year 1986–87 school year, we are confident that the interagency agreement signed by DHS, D.C. public schools and the courts will result in appropriate regular and special education for all youth detained at the receiving home.

Let me take a moment just to go through some other actions we have taken to improve services to our detained and committed youth.

We believe that adequately trained staff are essential to the implementation of a successful program for juvenile delinquents. Therefore, YSA staff, with the assistance of a number of highly skilled consultants, have developed and implemented an extensive staff training program for new group leaders and a retraining for current staff.

The program covers all aspects of the juvenile justice system and the philosophical orientation of youth services. Examples of those issues addressed in the training include: YSA policy and procedures, security procedures, legal issues, interpersonal skills, youth growth and development, and emergency preparedness.

The program consists of 40 hours of preorientation, 80 hours of advanced training and 40 hours of continuing training. Our newly hired staff have completed 120 hours of this training in May and are now onboard in their jobs. An additional 10 newly hired group leaders are currently completing their portion and will report to work shortly thereafter. Forty members of our current staff will begin training the first part of July.

With regard to the use of detention, in October 1985, again, after we recognized that the numbers that we were seeing in July and August certainly indicated certain trends that we had not previously suspected taking place, we designed and commissioned a study that would allow us to do an analysis of what was happening within our court system and within our juvenile justice program.

This analysis also contained with it—or development of this analysis contained with it YSA working with corporation counsel and probation to draft criteria that would be used to determine when secured detention was necessary.

Development of this criteria made it possible to closely scrutinize the patterns of detention, youths in D.C. Superior Court while providing crucial planning data for all three agencies.

At the same time this criteria was being developed, YSA began sending monthly reports listing the names of juveniles who had been held in secure detention at Cedar Knoll, Oak Hill and the receiving home for longer than 90 days to the presiding judge of the family division of D.C. Superior Court. YSA met with the judge, probation and corporation counsel to discuss ways in which these lists could be used internally by the court to ensure that those cases went to disposition as quickly as possible.

With regard to security, in July 1983, YSA contracted with two security consultants to review our security and control procedures and practice at Oak Hill and the receiving home.

They have also been charged with the development of security control training programs and the consultants have worked with us in producing new policies and procedures, dealing with work schedules, minimum staffing levels and post orders.

With regard to mental health, the mental health services at Oak Hill have been expanded to meet the increasing need for these services. A contract has been awarded by the mental health services administration of the D.C. Department of Human Services to provide four mental health professionals at Oak Hill.

These consultants will include a child psychiatrist, a child psychologist, a psychiatric social worker and psychiatric nurse.

I should add the training for those individuals will begin next week. With regard to alcohol and drug abuse, based on also our assessment of the young people coming in, many of these young people were coming in with drug-related charges, we negotiated with the alcohol and drug abuse services administration in public health to increase our direct support for alcohol and substance abuse counseling.

Four counselors now conduct regular substance abuse class sessions to court ordered and noncourt ordered youngsters and prerelease youngsters. That program is being expanded to include families of those youngsters, since it is important the families be involved with these youngsters who will be returning back home.

With regard to drug surveillance, YSA has initiated a drug surveillance program in early 1985, in January 1985, to provide services for 150 randomly selected youth per month at Oak Hill and

Oak Hill Annex, 39 at the receiving home, 12 at the prerelease and 24 in after care.

Those selected are screened twice a month for the usage of seven different drugs.

To continue to reduce the population of Cedar Knoll and to proceed with plans to close that facility, YSA has developed and released a request for proposal to design and construct four secure modular units on the grounds of Oak Hill.

The four units will add an additional 80 beds for youngsters who need secure detention. As you are aware, we recently appointed a new acting administrator, Mr. Robert Malson, who is here at the table with us. Mr. Malson has taken action since he has been in that position since May 30.

It has established a policy group of key staff members to assess and monitor current proposed policies and to recommend further changes in policies and more effective service to the youth.

He has directed all room light fixtures and pipe in the children's room at the receiving home be covered to reduce the number of attempted suicides.

He has developed and is ready to implement a plan to provide individual rooms for girls, since we have had a significant increase of girls coming into the system.

It is larger than it has ever been in the history of the institution. So it is necessary to provide additional space at the receiving home for girls. He has initiated action to remove the YSA administrative offices from the receiving home to another location in order to provide additional space for diagnostic and clinical services and increased security measures at Oak Hill to reduce the opportunity for smuggling contraband.

In addition, he has ordered development of a plan to change the focus of the receiving home to a modern youth diagnostic center with greater emphasis on clinical and diagnostic programs and to expand the provision of physician assistants' services to Oak Hill to provide onsite health services 24 hours a day, 365 days.

Presently, we are confident that the crisis at YSA is under control. We have initiated a number of administrative changes and developed several new initiatives to better meet and control the demands of providing 24-hour care, 365 days a year for detained and committed youth.

We wish to stress that YSA is only one component of a large, complex juvenile justice system. We will continue to respond to the current situation while projecting, to the best of our ability, the future need for youth services. In addition, we are prepared to work with all other arms of the juvenile justice system in an effort to develop policies and procedures to more adequately address the needs of all young people who enter our system.

[The prepared statement with attachments of Ms. Rowe follow:]

STATEMENT OF

AUDREY ROWE

COMMISSIONER OF SOCIAL SERVICES

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BEFORE THE

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

ON

COMPLIANCE WITH P.L. 94-142

AND

ISSUES PERTAINING TO THE YOUTH SERVICES ADMINISTRATION

JUNE 20, 1986

Mr. Chairman and Members of the Subcommittee:

My name is Audrey Rowe, and I am the Commissioner of Social Services in the Department of Human Services (DHS). I am here to talk with you today about a number of the actions we have taken to address the problems we have experienced during this past year. We feel confident that we have made significant progress toward resolving the problems we have encountered and in ensuring that they will not occur again. Our priority has and will always be to ensure the safety and well-being of the youth in our care. We are committed to providing quality education and treatment services to these young people and have taken major steps in the areas of education, staffing and institutional programming to ensure that we are able to provide that quality care.

Special Education

One of the main reasons we are here today is to discuss the implementation of P.L. 94-142 as it relates to handicapped delinquents in the District of Columbia. We have, at this, time implemented all of the recommendations made by the GAO last fall. We have transferred responsibility for testing suspected handicapped delinquents and for preparing all necessary IEPs to the public schools and educational responsibility for the Receiving Home to the public schools. We have also designated a YSA liaison who will notify the public schools and coordinate the exchange of records of YSA youth who will be returning to the school system. In addition we have developed written procedures and established criteria for forwarding information to the Court and the Public Schools, once notified by the Court that a juvenile is being detained or has re-entered the school system. We have also taken the necessary steps to hire additional certified special education teachers and to train YSA educational staff in the use of the newly developed procedures. A detailed listing of the actions we have taken to meet all of GAO's recommendations is attached to my testimony.

I would now like to address some of the specific issues raised in GAO's testimony today. It is true that we have had to reduce the number of instructional hours for the youth at Oak Hill and the Oak Hill Annex. This has occurred as a result of the trends that Mr. Downs described to you earlier and because of difficulties in recruiting certified special education teachers. However, we do recognize that this level of instructional time is unsatisfactory and are currently taking steps to correct this problem.

We do have a plan for providing special education this summer using a Resouce Room model of instruction. We currently have a register with five special education teachers and have begun a national recruit for those positions.

To address the problem of teachers for the regular school year, we have initiated procedures to intensify our recruitment efforts through a national advertisement campaign and direct contact with colleges and universities.

At the Receiving Home, we were successful in implementing a program of regular and special education in April, 1985. Since that time and following a period of effective special education, several of the specially trained staff resigned because of maternity and relocation. However, with the start of the 1986-87 school year, we are confident that the interagency agreement signed by DHS, D.C. Public Schools and the courts will result in appropriate education (regular and special) for all youth detained at the Receiving Home.

I would now like to detail some of the other actions we have taken to improve services to detained or committed youth.

Staff Training

We believe that adequately trained staff are essential to the implementation of a successful program for delinquent juveniles. Therefore, YSA staff with the assistance of a number of highly skilled consultants have developed and implemented an extensive staff training program for new group leaders and a retraining program for current staff members.

The program covers all aspects of the juvenile justice system and the philosophical orientation of YSA. Examples of those issues addressed in the training include: YSA policy and procedures, security procedures, legal issues, interpersonal skills, youth growth and development, and emergency preparedness.

The program consists of 40 hours of pre-orientation, 80 hours of advanced training and 40 hours of continuing education and training. Forty-one newly hired group leaders completed the first 120 hours of training in May and are now on the job. An additional ten newly hired group leaders are currently completing this portion of the training and will report to work immediately upon its completion. Forty members of our current staff will begin training in July.

The Use of Detention

In October, 1985, YSA initiated a number of projects to document and control the dynamics associated with the detention decisions that were being made by the court. Initially, YSA worked with the Corporation Counsel and Probation to draft criteria that would be used to determine when secure detention would be used. Development of this criteria made it possible to closely scrutinize the patterns of detention used in D. C. Superior Court; while providing crucial planning data to all three agencies.

At the same time this criteria was being developed, YSA began sending monthly reports listing the names of juveniles who had been held in secure detention at Cedar Knoll, Oak Hill and the Receiving Home for longer than 90 days to the Presiding Judge of the Family Division of D.C. Superior Court. YSA met with the Judge, Probation and Corporation Counsel twice to discuss ways in which these lists could be used internally by the court to ensure that those cases went to disposition as quickly as possible.

In October, 1985, YSA also commissioned a report on "Juvenile Detention in the District of Columbia", which was published in April, 1986. This report documented the rate of juvenile detention, factors affecting the detention decision, differences between juveniles in secure and nonsecure detention, and the length of institutional detention. This report included data gathered from October, 1985 through January, 1986. It is the first of a series of reports that are planned to analyze the dynamics of the juvenile justice system and to more thoroughly assess the needs of youth detained and/or committed to YSA. A review of the issues raised in the study reveal systematic issues that require attention by D. C. Superior Court, defense counsel and YSA.

Security

Since July 13, 1985, YSA has contracted with two security consultants to review the security/control procedures and practices at Oak Hill and the Receiving Home. They have also been charged with the development of a security/control training program. The consultants have produced new policies and procedures dealing with work schedules, minimum staff levels and post orders. YSA has also added twelve security personnel at the main gate at Oak Hill and has strengthened policies for searches at the gate.

Mental Health

Mental Health services at Oak Hill have been expanded to meet the increasing need for these services. A contract has been let by the Mental Health Services Administration, of the Department of Human Services to provide four mental health professionals at Oak Hill. This contract will add a child psychiatrist, clinical psychologist, psychiatric social worker and psychiatric nurse to the staff at Oak Hill. They will be responsible for providing individual and group therapy services to Oak Hill and Oak Hill Annex (previously Cedar

Knoll) youth; as well as outreach to parents. They will also participate on treatment teams, administer psychological and psychiatric assessments and be available for crisis intervention.

Alcohol and Drug Abuse

Based on the increasing numbers of detained and committed youngsters with drug related charges, Alcohol and Drug Abuse Services Administration of the Commission on Public Health, Department of Human Services, increased their direct staff support at Oak Hill and Oak Hill Annex. Four counselors conduct regular substance abuse education sessions to court-ordered, non-court ordered and pre-release youngsters.

Drug Surveilance

A Drug Surveilance Program at YSA was initiated to assist in the prevention of substance abuse, to identify possible substance abusers, and to provide accurate and rapid test results that enable immediate intervention and referral for services. The YSA Drug Surveilance Proposal was approved in January, 1985 to provide services for 150 randomly selected youth per month at Oak Hill, 50 at Oak Hill Annex, 39 at the Receiving Home 12 at Pre-Release House, and 24 youth in aftercare. Those selected are screened twice a month for the usage of seven drugs.

Expansion of Secure Detention Space at Oak Hill

To continue to reduce the population at Cedar Knoll and to proceed with plans to close that facility, YSA has developed and released a Request for Proposals to design and construct four secure modular units on the grounds of Oak Hill. The four units will house 80 youth. Bids for the proposals are due on June 23. A contractor will be selected immediately after bids are received.

Recent Initiatives

Robert A. Malson was appointed Acting Administrator of YSA on May 30, 1986. I have initiated a nationwide search for a person to fill that position permanently. Since Mr. Malson has been at YSA he has issued a number of directives to further stabilize the administration and delivery of services at YSA. The actions he has taken include:

- establishment of a policy group of key staff members and consultants to assess and monitor current and proposed policies and to recommend further changes in policies to more effectively serve the youth served by YSA;
- directed that all room light fixtures and pipes in the children's rooms at the Receiving Home be covered to reduce the number of suicide attempts;
- developed a written plan to provide individual rooms for girls presently sleeping in open areas;
- initiated action to move YSA administrative offices from the Receiving Home in order to provide additional space for diagnostic and clinical services for the children;
- increased security measures at Oak Hill to reduce the opportunity for smuggling contraband;

- ordered the development of a plan to change the focus of the Receiving Home to a modern Youth Diagnostic Center with a greater emphasis on clinical and diagnostic programs; and
- expanded the provision of physician assistants' services at Oak Hill to provide on-site health services 24 hours per day, 365 days per year.

Presently, we are confident that the crisis at YSA is under control. We have initiated a number of administrative changes and developed several new initiatives to better meet and control the demands of providing 24 hour care, 365 days a year for detained and committed youth. However, we stress that YSA is only one component of a large, complex juvenile justice system. We will continue to respond to the current situation while projecting, to the best of our ability, the future need for YSA services. In addition, we are prepared to work with all other arms of the juvenile justice system in an effort to develop policies and procedures to more adequately address the needs of all youth who enter the juvenile justice system.

GAO Recommendations/Actions Taken

Recommendation	Action Taken	Date of Effective Implementation	Attachment Number
Transfer to the Public Schools the responsibility for testing suspected handicapped delinquents and preparing all necessary IEPs.	An agreement for resource allocation and transfer of responsibility has been signed.	September, 1986	Attachment 1
Designate a YSA liaison responsible for notifying the Public Schools that YSA is releasing a delinquent, who will be returning to school. This liaison should also coordinate and exchange records such as IEPs, test results, and educational histories with the Public Schools and the Court.	Lawrence Manning of YSA has been designated as the YSA point of contact and liaison with the public schools and the court. He will interface regularly and routinely with the DCPS and Court designated liaison persons.	This process has been ongoing prior to the formalization of an agreement signed 5/86.	Attachment 2
Develop written procedures and establish specific criteria for forwarding information to the Court and the Public Schools, once notified by the Court that a juvenile is being detained or has re-entered the school system.	A memorandum of Agreement Regarding the Exchange of Information has been adopted and signed by DCPS, DHS and the Court.	September, 1986	Submission "Interagency Implementation of P.L. 94-142 for Institutionalized Juveniles", May, 1986.
Emphasize the need to follow DCPS policies, procedures, and standards for special education, including standards for teacher certification and class size.	The DCPS/DHS/YSA/Court Interagency Agreement includes DCPS policies, procedures and standards for special education, including class size. Job announcements for Teacher of Special Education have been posted. One of the criteria for this position is certification by DCPS Division of Special Education.	September, 1986	

GAO Recommendations/Actions Taken

Recommednation	Action Taken	Date of Effective Implementation	Attachment Number
• Provide all educational and related services which are required by a delinquent's IEP, and notify the public schools of the required services that YSA cannot provide.	Special education staff hired during spring of 1985 will continue special education programs and services at the Receiving Home for Children.	Spring, 1985	Attachments 7 & 8 Corrective Action Plans: Oak Hill and Receiving Home for Children
	Efforts are underway to identify and hire for the summer special education teachers for Oak Hill.	June, 1986	Attachment #4
	Through signed agreements, DCPS will provide all educational and related services for residents ofthe Receiving Home for Children. YSA, through, certified staff and contractual arrangements, will provide educational and related services to Oak Hill/Cedar Knoll residents. In the event of YSA's inability to provide a required service, YSA will notify DCPS and request services through the LEA (local educational agency).	September, 1986	Attachment #5 and 6
• Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll, and the Receiving Home for Children, and form classes based on academic level.	Receiving Home for Children An effective program of special education was implemented in Spring, 1985 and has been coordinated by Barbara O'Neil who is certified by DCPS.	Spring, 1985	Attachment #1

GAO Recommendations/Actions Taken

Recommendation	Action Taken	Date of Effective Implementation	Attachment Number
	Recent agreement with DCPS is that PL 94-142 programs and services will be provided by DCPS for youth housed at the Receiving Home.	September, 1986	Interagency Agreement (previously submitted)
	Oak Hill & Cedar Knoll (Oak Hill Annex) Per agreement, DCPS will provide diagnostic, evaluational and IEP development for Oak Hill residents.	September, 1986	
	A plan for the provision of special education has been drafted and is under review for implementation this summer. A copy of this plan is attached.		Attachment #1
	Related services are being provided through contractual arrangements with East of the River Health Center.		Attachment #5 & #6
	Corrective Action Plans in response to the April/May 1986 DCPS have been submitted to DCPS as SEA.		Attachment #7 & #8
	Dr. Diane Powell and Ann Brockenborough, as Staff Consultants, have been hired to assist in this process.	April, 1986	Attachment #4 & #1
• Evaluate follow-up services provided to delinquents after release from YSA custody and correct any administrative, management and procedural problems identified.	Follow-up services as Aftercare Planning begin on the date of commitment. Aftercare workers, now with the support of the signed Interagency Agreement implement pre-release and follow-up services to delinquents after release from YSA custody. In addition, the records transfer liaison persons are active participants in the follow-up process.	September, 1986	Attachment #11

Mr. **Fauntroy**. I thank you, Ms. Rowe, for your very fine statement as well. I note the presence of Mr. Robert Malson, who is our new director of the Youth Services Administration. We are very pleased to have you at the witness table.

Mr. **Malson**. Thank you.

Mr. **Fauntroy**. It is very clear that the media has kept all of us abreast of a number of things through a constant flow of information concerning the outcome of secret investigations in certain areas, the management of Youth Services Administration, so I don't think it is necessary for me to repeat some of the information about which you have all been informed.

I would like to go to the question of compliance with Public Law 91-142, and its various amendments.

The recommendations called for by GAO and the interagency agreement that was submitted suggests that we need answers to several questions. First, I wonder if you would enlighten us, Mr. Downs, on how you intend to make your September 1986 date.

Mr. **Downs**. We have seven steps that were recommended by the GAO. The first of those was a major agreement signed by the schools, courts, and the District government. The first part of that envisioned the transfer of funds from the executive branch of the school.

We arranged for the transfer of those funds. We have also arranged for the transfer to public schools the responsibility for testing the handicapped delinquents and preparing the IEP's themselves. The schools agreed; we agreed that function would be transferred.

Part of the funds we are transferring is to transfer the resources to be able to do that.

The schools—I think the superintendent could probably best address the steps the schools will be taking to meet that September 1 deadline.

Another recommendation was to designate a Youth Services Administration liaison responsibility for notifying schools YSA is releasing a delinquent. As GAO had pointed out, part of the problem is coordination between YSA and schools on release. The liaison should be charged with the responsibility for coordination and exchange of the IEP's, test results and educational histories with the courts and the schools.

That person has been named by Youth Services Administration. He does now regularly interface with the courts and the schools on records, IEPs, testing and performance data within the institution.

A third recommendation was the development of the written procedures and establishment of specific criteria for forwarding information to the court and public schools, once notified by the court a juvenile is being detained or has reentered the school system itself.

As I said, the memorandum of agreement regarding the exchange of information was adopted and signed by the D.C. public schools, DHS and the court, and we are in the process of doing that now.

The fourth recommendation was to emphasize the need to follow D.C. public schools policies, procedures and standards for special education, including standards for teacher certification and class size.

We have an agreement, as I said, between the schools, human services, YSA and the courts, including the D.C. public schools standards, policies and procedures for the size and classes and educational standards and teacher certification.

In the past what had happened with, for instance, teacher certification was that the D.C. Office of Personnel certified a person as qualified within an area, because that was the role of the D.C. Office of Personnel.

We have agreed that the criteria for establishing certification for teachers at Oak Hill and Cedar Knoll is the D.C. public school certification process.

As has been mentioned earlier, that process is in place now. Five of the teachers have been certified by D.C. public schools as meeting the schools certification standards.

The fifth recommendation was to provide all the educational services and related services which are required by an IEP and notify the public schools if the required services cannot be provided by YSA.

There were three action steps taken in the spring. We hired the special education staff to continue the special education programs and services at the receiving home.

In June this year we started the efforts to identify and hire the summer special education teachers for Oak Hill, and in September of this year, per the agreement, the D.C. public schools will provide all educational and related services for residents of the D.C. Receiving Home for Children, YSA through certified staff and contractual arrangements will provide the educational and related services to Oak Hill and Cedar Knoll residents.

In the event of YSA's inability to provide a required service, YSA will notify the schools and request services through LEA, the local education agency, which in this case is the D.C. public schools.

The recommendation is to evaluate the followup services provided delinquents after release from YSA custody, and correct any administrative, managerial and procedural problems identified; followup services, after care planning being on the date—after care workers now with the support of the signed inner-agency agreement implement prerelease and followup services to delinquents after release from YSA custody.

In addition, the records transfer liaison persons are active participants in the followup procedures.

We think in the context of Public Law 94-142, we have, and GAO agrees, that we have a compliance plan that will bring us to more than substantial compliance with Public Law 94-142. All of the participants, courts, schools, and the District government, have committed themselves to making sure that each of those specific seven action steps takes place.

More than half of them have already taken place. We think that with the full implementation of those action steps, we will be far ahead of most of our States in compliance, substantial compliance with Public Law 94-142, and we will be proud and pleased to continue to report compliance with Public Law 94-142 to the committee.

Mr. Fauntroy. I just want to assure you, we on the committee, are looking forward to that report, because the difficulties we have had in the District of Columbia notwithstanding, I am hopeful the solutions we are working out can become a national model so we won't have as many States out of compliance as the annual reports have indicated.

Accordingly, is there anything at this point that you feel we in the Congress can do in terms of amendments to that act to ensure the essential purpose for which we drafted and implemented it may be achieved? Anyone on the panel?

Ms. Rowe. Mr. Chairman, I think, as I stated when I was here in September, in a previous life, having participated in the development of Public Law 94-142, one of the things that was not anticipated was the implementation within correctional facilities, recognizing that youngsters in correctional facilities quite often, in terms of compulsory school age, exceed that period, but not under Public Law 94-142 since it goes to age 21.

I think in reviewing the act in light of the manner in which we have been working in youth services, it is important for us to, in correctional programs, develop the special education components within the context of a treatment program and plan for the youngster, so that if a goal in the treatment program is to rehabilitate a youngster to move into the work force, the kinds of special education training that is necessary should be designed to allow him to effectively move into the work force.

Since there is a probability—and the analysis that we have done—that many of these young people do not return to the D.C. public schools, so the ability—or to a public school setting—so the ability to implement the IEP that has been designed is not always followed through. Those are some of the issues, as we talk with the U.S. Office of Education people and others who are involved in providing special education in juvenile correctional facilities, that we are looking at.

What is the most effective way to implement the law within a correctional context? It is not the same as in a regular public school or a community-based context.

Mr. Fauntroy. May I respectfully request as part of the record that you indicate that request of us, that we take a look at that?

Ms. Rowe. Yes, sir.

Mr. Fauntroy. Mr. Rivers, you pointed out that only 19 percent of the contracts issued by the Youth Services Administration were sole source contracts.

Mr. Rivers. That is correct.

Mr. Fauntroy. How does that compare with what was reported in the media?

Mr. Rivers. I don't know where the number came from, sir. Our analyses show in 1985 we only awarded 30 negotiated services contracts, which total $6 million; and of that, $4.9 million, or 81 percent, were competitively bid. I don't know where the number came from, but it is incorrect.

Mr. Fauntroy. The number reported in GAO's report, which it mentioned—they mentioned some 80 contracts in the entire agency, however.

Mr. **Rivers.** Over. In 1985 and 1986—we had 30 negotiated services contracts in 1985, and 26 negotiated services contracts in 1986. I think what they did, in some cases, is included professional services contracts in the category with negotiated services contracts. Obviously, all professional services contracts are sole source, because you are talking about doctors, nurses and medical technicians. So, I guess they lumped them in with negotiated services.

Also, one other comment for the record. I think GAO—the District has been accused in the past of slow payment to a lot of vendors doing business with the District. About 5 years ago, we instituted an automatic payment system in order to schedule payment for minority vendors, especially dealing with our kids.

What we do, after a contract is awarded, we put them on an automatic payment schedule, which might schedule a check in a month's time, but quarterly we reconcile and make sure all the proper documentation is in the contract file to authorize the payment. So, if you come in, in some cases, on the front end, you might see a check being issued; but not the proper documentation because that is part of a system that we generated in order to pay on an expedited basis. But we reconcile that invoice on a quarterly basis by our office of controller.

So, that is confusion, also——

Ms. **Rowe.** I just wanted to add to that, also.

In all of the youth services contracts, we require the contractor to submit an audit at the end of their contract period on—by an independent audit on all of their audits. Some of those are then scheduled for audits by the department if the independent audit does not—has some questions that we are concerned about. Then the controller's office can go in and they, too, commission an independent audit.

So, there is audit activities that take place during and at the end of a contract period.

Mr. **Fauntroy.** Do you think we are on the way to getting the problems of the Youth Services Administration behind us now?

Mr. **Rivers.** Yes, sir.

Ms. **Rowe.** I can say, sir, that we are.

Mr. **Fauntroy.** When do you anticipate our appointing a permanent director?

Ms. **Rowe.** The personnel action has started. Mr. Malson is anxious to hear the answer to this question.

The personnel process has started. We do wish to do a nationwide search. We have already started contacting some of the juvenile correctional associations and organizations, the National Association of Blacks and Criminal Justice and those kinds of groups, letting them know we are looking; so, if they have individuals who they may be aware of, we can start receiving resumes even as the position announcement is going out.

Mr. **Fauntroy.** Thank you.

I want to yield to our distinguished ranking minority member for his questions. I am going to have to leave the hearing momentarily for an appointment, but I will be returning. I will ask counsel to preside.

Mr. McKinney. We heard that in September 1980, the city, the Mayor, the whole ball of wax, was in contempt of the Mills decree, for violating it.

Has that been lifted?

Mr. Downs. I am sorry. I am not familiar with the particular case.

Mr. McKinney. In September, we were told the courts found the Mayor, the D.C. public schools, the D.C. Department of Human Services in contempt of court for violating the terms of the Mills decree. I wondered if that order lifted the decree?

Mr. Downs. The answer is that all of the parties within the system that was the Mills decree, in 1975 and again in 1980, a review, we are still governed by the Mills decree, but there is no contempt.

Mr. McKinney. There still is a contempt citation?

Mr. Downs. No, there is not a contempt citation. We are still governed by the decree itself, as far as I can tell.

Mr. McKinney. I have no record of it being lifted, so if you can find for the staff the date it was lifted, I would appreciate it.

Why did it take 3 months to get the interagency agreement signed, action plan, whatever you want to call it?

Mr. Downs. I chaired that group, Mr. McKinney. We worked through a number of issues, like transfer of responsibilities at the receiving home. They were not issues easy to sort out in terms of institutional responsibilities. We each have our own governing boards we have to take issues back to get ratified.

The courts, the schools and the District government all have their own decisionmaking bodies. We had to respect that with the judges, with the school board, with the city council. We think we made a very timely set of decisions, something that some States still are not capable of doing in terms of getting an agreement about roles within this law.

Mr. McKinney. Last September, again in the hearings we had, we heard about a contract with Bowie State for $48,000 that was to have certified some YSA teachers for special education. GAO found the extension program with Bowie was not accredited and therefore certification in Maryland not guaranteed.

What has been done about the $48,000? Can any of it be salvaged? Have any of those teachers been served by anybody?

Ms. Rowe. It is my understanding at this time several of those teachers have been certified by the State of Maryland and now by the D.C. Board of Education under, I guess it is, a reciprocity—or they applied as well with the D.C. Board of Education. The documentation—and I think we submitted documentation at that time, and I certainly have documentation in our files now—from the Maryland State Board of Certification in this area, is that the Bowie State program was indeed certified.

So that we have not—and we also received documentation from the university itself that the program was certified. So we have turned that information—we turned that information over to our city—our departmental controller's office, and I believe that they found the program was certified.

Mr. McKinney. I still would say to you that on their campus their program is certified. Their extension program is not. And that is what I gather the workers have been taking out there.

I think we ought to look into that because they have taken quite a bit of money from us.

So, Maryland and the District are cooperating.

Ms. Rowe. Yes, they are, sir.

Mr. McKinney. We know Cedar Knoll officially closed, but actually is operating using a new name, Oak Hill Annex.

Do you ever intend to close that place? If you don't, what do you plan to do to upgrade its total operation and services? Shouldn't we get some realistic plans about Cedar Knoll?

Mr. Downs. We have let a contract for 2 million dollars' worth of modular construction to house an additional 100 juveniles at Oak Hill itself. We also would like to get a better understanding with the courts about the loading of the system with detainees who have not yet been adjudicated.

Half of our juveniles in detained status are in that status, and we don't feel it is appropriate if a national standard for hold is 5 days and we are running 88, and we feel part of this problem can be addressed by changes in the judicial system itself.

We probably would like to at some point in the near future propose legislation to change the perimeters that the courts can exist under.

Ms. Rowe. To answer that as well, the projections to close Cedar Knoll at the same time provided projections for the opening up of additional community beds and additional beds in our community services program so that young people could return home. Our philosophy in youth services is trying to maintain young people in the least restrictive environment. That is a philosophy that goes along with Public Law 94-142 as well.

It seems to us that a youngster who remains in detention—and we have situations of youngsters who remain 80 or 90 days and is then committed to his community, placed in community care—has spent an unusual long period of time in a secure detention facility only to be returned back to his community.

Our projections, as we look at Cedar Knoll, is now given the level of work we are doing with the courts in terms of cooperating and looking at levels of detention with the court's probation and corporation counsel and also the expansion of beds at the Oak Hill facility which will give us secure detained beds, and the beds we have in the community which are presently underutilized that we have sufficient beds to take care of youngsters committed to our care, and we anticipate, even if the time period is shortened, an increased number of youngsters being committed.

But what we would like to see is speedy and swift trials for young people so that the habilitation process that is necessary can take place as soon as it possibly can and be more effective than having kids languish in an institution for a period of time and then try and habilitate them back into the community.

Mr. McKinney. A hallelujah to that, because juvenile cases should be quickly handled.

In 1982, DHS had control over the overtime situation, had temporary staff; but those temporary jobs were allowed to expire. What are you going to do now? These temporary positions, these new jobs——

Mr. DOWNS. Those are not temporary positions. Those 60 positions the Mayor directed to be added—this was not done at the direction of the public defender's service—we made a conscious decision that the detention rate with juveniles was not going to change and that if that was the case, then we would have to put the additional 60 staff people onboard. As Mr. Rivers said, 54 of those are already onboard and working. That was the decision about the level of service that we can expect in the near future, that it is going to take 60 additional people.

Mr. MCKINNEY. All of this overtime money was not budgeted for, so what did it come out of, services for the kids, educational services, maintenance, what have you?

Mr. DOWNS. Each year we submit a supplemental budget to Congress which lists the changes within the agency's budget. There were a number of changes made in the fiscal year 1985 budget for the D.C. Department of Human Services. It came from within the accounts—I can't tell you if there is a way of tracking directly from account to account within human services about where those funds came from.

Mr. MCKINNEY. Commissioner Rowe, as the overseer of YSA, did you know that the former, I should underline that for the public, YSA administrator made a decision not to require documentation for invoices paid in 1985 because of the paper problem?

Ms. ROWE. I am sorry, I missed the last part of your question.

Mr. MCKINNEY. As I remember it, the statement was made because of the paper problem, the decision was made, and it was an official position, and did you know it——

Ms. ROWE. No, I was not aware of that, sir.

Mr. MCKINNEY. You were not aware of that?

Mr. RIVERS. Mr. McKinney, again, I think what some of the confusion would be in the automatic payment system, when a contractor—once a contract is awarded, then we schedule a payment cycle for the contractor, which means on a monthly basis the invoice might not be in, but quarterly we reconcile the contract against the budget to make sure the proper documentation is in the file. That is the way our automatic payment system works in order to get payment out to the contractor on a timely basis.

Mr. MCKINNEY. Having been a small businessman dealing with the post office, I would rather you be a slow pay than a wrong pay. Keep that in mind. I was very involved in setting up that system.

Commissioner Rowe, is it going to be your practice to have somebody review these matters?

Ms. ROWE. All of the matters within——

Mr. MCKINNEY. For instance, I am glad to see you have audit records on the contracts, and I certainly would like them sent to the committee this week or next week, or this month, let's put it that way. I want to make sure that bills are being looked at and attested to and guaranteed to and that the work was actually done.

Mr. DOWNS. In addition, we had agreed with GAO's recommendation we have an independent audit with an outside auditor to go back and review all the contracts from 1985 to 1986.

Mr. **McKinney**. You are quoted as saying the YSA staff is so uncooperative that they are running the institutions. The information I have been reviewing for nearly 2 years appears to support that conclusion. What I don't understand is why haven't you taken strong disciplinary action against unruly people and fire them?

Ms. **Rowe**. Mr. Chairman, the statement that I made at the time to Mr. Salvemini was in response to a question that he was asking me with regard to why is so much overtime—why can't you stick to the schedule that has been proposed for overtime use, why have so many people changed around continuously?

What I said to him was that is because the staff is basically in control with regard to when they will work and when they will not work. We cannot force anyone to work overtime. Overtime is a voluntary response. And when we deal with staff in setting up a schedule, staff comes back and says, "No, I can't work that day, but I am willing to work this day," and you have people switching off with one another, which was one of the suspicions that I had for some time, which led to the study we did in 1982. It is very difficult to control that process, and it is not, within the personnel procedures, as I review them, an opportunity to terminate someone.

Where we have taken action has been when staff has not followed our own policies and procedures, and we have sent forward to D.C. Office of Personnel our recommendations to suspend, terminate, letter of reprimand, a letter of direction, depending on the severity of the offense.

Mr. **McKinney**. Commissioner, I've got to say in this 2-year process, unfortunately one of the things that comes forth, though, which is not the original reason for our investigation but it is certainly information that came out during it, is there is abuse by some YSA employees of the kids that are in their charge. Most of this abuse will be looked into by the Department of Justice, I guess, but I know of, for instance, one employee who poured a bottle of ammonia in some troublesome child's room and is now working at DHS as a drug counselor, and this guy shouldn't be working for any city in the United States, because that is just wrong. And certainly he shouldn't be counseling anybody, and yet he is still working for the District, and I just don't understand it.

Mr. **Malson**. Mr. McKinney, we took action against that individual at the time the event occurred, but I believe, the commissioner can correct me, we were overturned at the employee appeals level and was ordered to reinstate the employee. Does that strike your recollection?

Ms. **Rowe**. We took the action to terminate, we were overturned.

Mr. **McKinney**. Who is on that board that makes those decisions?

Mr. **Downs**. The employees appeal board.

Mr. **McKinney**. Who was that?

Mr. **Downs**. An independent board to judge the fairness of administration actions taken against District government employees. I will be glad to get you the underlying administrative structure of the board and its rules, regulations and procedures.

Mr. **McKinney**. That is pretty awful. And I would hope that majority counsel will discuss how this system can be fixed up with the council. I guess it is their job or power to be able to fix it. But I don't see, Commissioner, I honestly don't, and I have seen too much already. I don't see how you are going to be able to get a handle on these people until disciplinary action is taken, is obeyed, and lived up to. I would like to have a list. I would like you to send me a list of all the recommended disciplinary action against staff, along with the actual disciplinary action taken for abuse of kids. We will just leave it at that, and that is what it is, and any action that has been suggested by you or recommended by you for these overtime and contractual abuses. I would like the list in my office as soon as possible, 2 or 3 weeks, if possible. Then I will turn some time over to Mr. Hamm.

Mr. **Downs**. In terms of the issues around disciplinary and control and abuse within a facility, I will be glad to. We have foregone for the moment disciplinary actions around the payroll and other issues both in terms of management responsibilities and employee responsibilities pending the outcome of the U.S. attorney's, FBI's, and grand jury's review of those cases to allow the criminal justice aspects of that investigation to come to fruition before administrative actions are taken.

Ms. **Rowe**. I believe that was at their request when they initially came in.

Mr. **McKinney**. We will check into that, but for the record, we will keep that matter open, because I think that your hands are being tied in some cases, and there is not enough disciplinary action in other cases. I am convinced, and that is just me, that these institutions are out of control, and until somebody slams these employees down and make them know the administration is as serious as it intends to be, nothing is going to happen. There is no history of anything happening, and that is an important issue. Mr. Hamm.

Mr. **Hamm**. Thank you, Mr. McKinney.

You have mentioned certain improvements that you have made in a number of the procedures that the District is following. What have you done to set up a system to check the qualifications of the contractors' employees for the contracts awarded in 1985 and 1986?

Ms. **Rowe**. We are reviewing at this moment all of the contractors, the resumes of all the employees under any contract that we have that operates group home facilities. We will be meeting with those contractors where there is a difference between the qualifications of the individual who is presently holding the position from the qualifications of the individual that they said they were going to hire, not necessarily name for name, but qualifications for qualifications.

Where there are differences, we will refer that information to the appropriate office for them to look at to determine whether or not there should be action taken on that contractor.

Mr. **Hamm**. Are you looking into the accuracy of the resumes as well as just reviewing them?

Ms. **Rowe**. Whether or not an individual did what he or she said that they did on their resume?

Mr. **Hamm**. Yes.

Mr. **Rivers**. Yes, we are. In addition, we are expanding our audit capabilities in the office of the comptroller that will also provide programmatic, as well as financial, audits of contracts. That is one of the things we will be looking at also on the performance side.

Mr. **Hamm**. I understand the point that you made about the payment system and how sometimes invoices have a hard time catching up with the payments and everything, although GAO reports they have never found documentation or supporting evidence for a number of contracts. But how do you explain the fact so many contracts were returned from the review board without any action whatsoever, such as we didn't get this contract to look at until 6 months after it was signed, or it wasn't signed until 6 months after it was started to be paid, or, in fact, that it was returned to you a year after the contract was started and only 1 week before it was due to be terminated, because that is the first time they got a chance to look at it?

Mr. **Rivers**. In some cases, we can, given an emergency, we issue a letter contract or QM to authorize the contractor to begin working on the contract. In that case, obviously then the city-wide contract review, that contract goes to them at a later point so the contractor, in effect, has started working. But that is something we do a lot sometimes in order to get services started.

Mr. **Downs**. Frankly, there was an original conflict between DHS and the contract review board for a period of about a year and a half over the use of both letter contract and the request for the contract review committee to review the contracts.

Letter contracts were authorized both in the old and the new District Procurement Act, as well as in the Federal Procurement Act.

The issue about the use of letter contract for professional services was debated about whether or not it was an authorized contract authority within the D.C. Department of Human Services, which resulted it was for professional services.

The contract review committee would fail to consider a contract that had come over with a date that was even 1 day before it received the contract for review, which included letter contracts.

We have now got that process straightened out with the contracts appeal board, so that those contract procedures are both understood as a process and authority and accountability between the D.C. Department of Human Services and the contracts appeals board.

Mr. **Hamm**. Does that mean the contract review board was supposed to be reviewing these?

Mr. **Downs**. They were supposed to review them if they had a previous execution date on them, that they simply would not——

Mr. **Hamm**. That is what the problem is.

Mr. **Downs**. The contract appeals board had the authority to reject for consideration any contract that came before them.

Mr. **Hamm**. You said you have gotten some of these problems worked out so that they are now reviewing——

Mr. **Downs**. Well, first, the procurement law itself changed within the D.C. government about who has contract authority and who has the approval process within the District government, centralized to a great extent the contract approval process, and made the director of the D.C. Department of Administrative Services in effect the contract officer for the D.C. government.

He then sets up a separate review process for himself, called the contract appeals—or the contract review committee. It is now the contract review committee—which makes a recommendation to him about the appropriateness of the sitting on decisions.

In addition, all contracts above $1 million have to be personally signed by the Mayor.

Mr. **Hamm**. What steps have you taken to increase the monitoring capability that you have during the course of a contract to ensure that the contract indeed paid for is actually being performed during the time it is going on, and not in an audit taken perhaps afterwards, when funds improperly spent can't be recovered?

Mr. **Rivers**. What we have done, again along with the auditing function, we are also having auditors work along with the contract administrators in reviewing and monitoring the contracts on an ongoing basis.

In addition, we will be training those contract administrators with regard to what to look for in monitoring contracts on an ongoing basis. I think we have corrected that situation.

Ms. **Rowe**. Let me add to that, in addition, program monitoring has been going on, ongoing. The programming, the service that are to be delivered in terms of that kind of monitoring, that has been going on in the Youth Services Administration with a separate monitoring team.

We do have in this city, in the private sector, some of the best deliverers of services in a variety of areas. I would hope the committee would not assume that because of some of the papering issues that we have dealt with that we are not getting quality services from many of our contractors, because we are.

Mr. **Hamm**. No, we are not assuming that at all. We are trying to find out whether anybody knows the quality of the services or the totality of the services.

Ms. **Rowe**. As I said, we have monitored the programming since 1983–84. We have had a program monitoring unit that goes in and looks at the programming issues.

Mr. **Hamm**. Is that on all contracts, or just some?

Ms. **Rowe**. That is on all contracts in the administrations within the commission.

Mr. **Rivers**. What was missing in the past, while we were doing performance of contract monitoring, we also now will match that up by doing the financial audit, and it will go hand in glove with performance monitoring on programs, financial and programs together.

Mr. **Hamm**. I understand from GAO, though, the program monitors you had in place checking on delivery of the services doesn't even have a copy of the contract under which those services are to be provided, and therefore, they would not have an exact idea of what services are supposed to be provided.

Ms. **Rowe**. I would say that may be the case in a very slim number of contracts. I have reviewed some of their reports myself, because I wanted to see what has happened, particularly in some of our group home contracts, which is what I have concentrated on. They have spoken to specifically all of the requirements that are generic to all of our group home operations, and then any program enhancements that are required by those contractors.

There are other contracts where they do not do direct monitoring, such as contracts for certain kinds of assessment services and those kinds of things. Then they are not involved in looking at all of those.

Mr. **Hamm**. All right.

Mr. Downs, in relation to the decrease in the population at Cedar Knoll that you cited in July 1985, when you originally planned to close that facility, why is it that the submissions and indeed the payouts the District made for overtime during those months of decreased population didn't go down?

Mr. **Downs**. It did. When we had the declining population, we also made at the same time the decision we were going to ultimately fill the role. We had staffing shortages at Oak Hill. We knew we were going to take the people from Cedar Knoll, transfer them into Oak Hill after we had closed Cedar Knoll.

We were working some overtime at Oak Hill. We were phasing out in not having full staffing at Cedar Knoll. But overall overtime payments were declining up until June or July of last year.

Mr. **Hamm**. All right. But when Cedar Knoll only had 9 committed and 32 detained juveniles in it in July, were the total overtime submissions less than they had been in previous months when they were 100 or more?

Mr. **Downs**. As I said, they were going down every month as the population declined, yes.

Mr. **Hamm**. That is all I have. Thank you.

Mr. **Willis** [presiding]. Without objection, given the different interpretations of the facts, we invite you all to submit for the record a critical analysis of the GAO report, if you would like.

Ms. **Rowe**. We would be happy to do so.

[The analysis of the GAO report follows:]

A YOUTH SERVICES SYSTEM IN TRANSITION

THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES'
RESPONSE TO
THE UNITED STATES GENERAL ACCOUNTING OFFICE
REPORT ON
EFFORTS TO COMPLY WITH P.L. 94-142
AND
SELECTED YOUTH SERVICES ADMINISTRATION MANAGEMENT FUNCTIONS

AUGUST 1986

INTRODUCTION

The U.S. General Accounting Office began auditing the Youth Services Administration (YSA), of the D.C. Department of Human Services in September 1984. This audit was requested by Representative Stewart B. McKinney, Ranking Minority Member of the Committee on the District of Columbia of the U.S. House of Representatives, to examine the implementation of P.L. 94-142 (The Education for All Handicapped Children Act) in its provision of special education to learning disabled juvenile delinquents. This audit was expanded in the fall of 1985 to evaluate certain aspects of the YSA's contracting, payroll, and personnel functions. The D.C. Department of Human Services has publicly acknowledged that it has made mistakes in addressing a crisis in its juvenile institutions and that a number of the problems presented in the GAO report on efforts to comply with P.L. 94-142 and selected YSA management functions did, in fact, occur. However, GAO's analysis of YSA's education programs and management practices does not adequately document the pressures that were being exerted on the system at the time of the GAO audit, nor does it fully document the steps that have been taken to eliminate or reduce those problems identified. The report that follows is issued in response to GAO's report to eliminate those gaps.

THE NATIONAL PERSPECTIVE

In the early 1980's the District of Columbia government began to look at ways in which it could change the focus of its services to juvenile delinquents from control to habilitation. The D.C. government was not alone in that effort, but rather was one of many jurisdictions that began to look seriously at the complex treatment and service needs of juvenile offenders. Similarly, the problems the Youth Services Administration has experienced in its efforts to more adequately address the complex educational, emotional, vocational, familial, recreation and social needs of detained and committed youth have been experienced by juvenile justice systems in transition across the country.

The most severe problems have arisen in programs for detained youth. Most juvenile justice experts agree that detention rates, particularly secure detention rates, are much higher than they need to be. Juvenile experts have noted that very few jurisdictions have developed effective ways of providing uninterrupted education, mental health, and alcohol and drug abuse services for youth who are detained in secure detention facilities. Only one jurisdiction in the state of California has made major progress in this area with the development of new programs and procedures.

The majority of detention programs are under the control of local governments and very little analysis has been done of what kinds of programs actually work best for what type of youth and what types of management will work in systems where the decision has been made to habilitate rather than incarcerate juvenile offenders. Therefore, local jurisdictions have had little expertise to rely on when designing and implementing new systems. Very few of the issues raised in the GAO report on YSA are problems that are endemic to the District of Columbia, rather they are issues relevant to any juvenile justice system in search of a better future for juvenile delinquents and should be viewed as such. The lessons to be learned and the recommendations to be made are therefore much broader than the GAO report suggests.

THE LOCAL PERSPECTIVE

Over the past year circumstances beyond the control of YSA or the D.C. Department of Human Services, particularly increases in the number of youth arrested for more serious offenses and a subsequent increase in the need for and use of secure detention, exerted much more pressure on the youth services system than it was equipped to handle. Moreover, because this unplanned increase in the number of youth for whom services had to be provided by YSA occurred at a time when YSA was attempting to restructure its approach to treatment, the crisis was much more serious and lasted much longer than it might have under another set of circumstances.

In the fall of 1984, Mayor Barry approved a proposed consent agreement between the Department of Human Services and the Public Defender's Service to close Cedar Knoll, YSA's minimum security youth facility which is now the Annex of Oak Hill, the maximum security facility. This decision came after more than one year of negotiations and a detailed in-house review of the long-range plans for the youth services system.

The decision to close Cedar Knoll was based on the following factors:

-- The District had experienced a significant decrease in the number of juvenile arrests for serious offenses against persons and property. Arrests for crimes against people decreased 48% from 1975 to 1983. This trend in arrest rates directly impacted on the population of Cedar Knoll. In 1975, the average daily population at the facility was 109 committed and 121 detained youth. However, by 1983, the average population had declined to 76 committed youth and 52 detained youth.

-- Both Cedar Knoll and Oak Hill were suffering from a shortage of staff. Studies completed in 1982 suggested that a significant and costly increase in manpower would be necessary to provide adequate staff coverage at the two institutions.

-- Cedar Knoll had serious physical plant and maintenance problems. Many of the living units were in need of renovation and the heating and plumbing systems needed costly repair.

-- Cedar Knoll originally housed two different juvenile populations; detained youth awaiting court hearings were placed at the facility by the court at various levels of security and juveniles that were found delinquent by the court were placed at the facility while pending transfer to shelter programs in the community. Cedar Knoll also housed all the females that the court determined were in need of secure detention. Legally, these different population groups are required to receive educational and counseling services separately resulting in serious security and management problems.

In addition to all of these considerations, YSA was also interested in instituting a major shift in the treatment of juvenile delinquents, from institutional care to community-based alternatives. It was believed that this approach to treatment would allow for the most efficient use of limited resources and would better serve many of the needs of a number of those juveniles who were institutionalized.

The closure of Cedar Knoll was contingent on a transition plan which would ensure that adequate replacement programs were available for all youth who were detained or committed at Cedar Knoll. These replacement programs included renovation and conversion of existing facilities at the Receiving Home for Children to provide services for detained youth in a maximum security setting; development of a comprehensive community-based set of programs; and expansion of the use of supervised home detention.

Cedar Knoll was scheduled to close by July 1, 1985. At that time all necessary alternative programs were in place and Cedar Knoll's overall population continued to decline as predicted. By July of 1985, the facility's average daily population was down to 9 committed and 32 detained youth, the lowest population in the history of Cedar Knoll.

However, trends began to change and the number of young people committed to YSA began to increase. From FY 1983 to 1985, the total number of juvenile cases increased by 7 percent, to 2,803 cases in 1985. The number of burglary, robbery and shoplifting cases continued to decrease even during this time. However, the number of young people in the District charged with drug offenses as well as car theft and aggravated assaults increased 178 percent in just those two years. Also, young people from other jurisdictions apprehended and awaiting transfer to their home area, and therefore, in need of secure detention, increased 19 percent.

This increasing number of arrests requiring secure detention has resulted in a backlog in the number of youth in the system not only because of the increasing numbers of youth for whom secure detention is ordered, but also because of increasing average lengths of stay in the system. Between FY '84 and FY '85, the number of juveniles detained by the court pending trial (those entering the YSA system for placement) increased by 11 percent. The number of youth requiring, by court order, secure detention (placement at Oak Hill or the Receiving Home) increased by 21 percent monthly, averaging 87 additional young people a month.

Judges have broad discretion in deciding whether to order a young person detained until trial. The U.S. Department of Justice has said the District's general detention rate of 29 percent is the highest in the country.

In addition to the large number of youth detained, the average length of stay by these young people is also high. Although most states require that detained youth be tried within a maximum period of time (generally 30 days), the District has no such law. Juveniles in YSA's secure facilities are detained for an average of 87 days; less than half of the young people who are detained are released within 60 days. Young people detained in nonsecure detention are detained an average of 109 days.

On average, the first scheduled court date for a detained youth is 37 days after the detention decision, and most juveniles (at least 80 percent) have their cases continued for one reason or another. Cases like these cause a great deal of stress on the detention system.

Both the detention rate and the length of stay are separate and crucial factors in overcrowded detention programs. Both of these rates are controlled by the court. YSA only controls the number of beds available. If YSA projects the number of bed/slots needed based on the previous year's experience, the number of beds will be adequate only if the number of cases referred by the court remains the same and the length of stay remains the same. During the time of the GAO audit, YSA's projections for secure detention space and the actual use of secure detention space ran in opposite directions creating severe pressure on a system in transition.

All of this demonstrates the problems YSA faced and has continued to face since July of 1985. It is clear now that the program YSA planned to implement to change its method of treatment for detained and committed juveniles was not stable enough to absorb the steadily increasing number of young people entering and staying in the system. It was impossible to anticipate the changes in the system which occurred. Consequently, the system failed to function as well as it might have under another set of circumstances. Education was one of the program areas that suffered most. Management was least prepared to respond in the areas of personnel and staffing. Contracting procedures which had only recently been developed were still not fully implemented and monitored.

EDUCATION

In its first report, Implementation of Public Law 94-142 as it Relates to Handicapped Delinquents in the District of Columbia, GAO reported problems of non-compliance with Public Law 94-142 and made a number of recommendations to improve and help assure the provision of special education to all District of Columbia handicapped delinquents. As GAO reports, the Department of Human Services, the District of Columbia Public Schools (DCPS), and the Court have signed a corrective action plan to ensure the provision of special education to handicapped juveniles in the city. That plan includes:

-- Transfer of responsibility for testing and Individual Education Plan (IEP) development from YSA to DCPS as of September 1, 1986;

-- Transfer of responsibility for the provision of all educational services for residents at the Receiving Home for Children from YSA to DCPS as of September 1, 1986;

-- Procedures for notifying DCPS when YSA is releasing a delinquent who will be returning to school;

-- Written procedures and criteria for forwarding information to the courts and DCPS when a juvenile is being detained or will be re-entering the school system;

-- Intent to use DCPS policies, procedures, and standards for special education, including class size and teacher certification; and

-- Provision of After Care services to implement pre-release and follow-up service plans.

In its report, GAO cites a number of additional problems related to the provision of special education services to handicapped juvenile delinquents in the District of Columbia and questions YSA's ability to implement the corrective action plan. However, YSA has, in fact, made significant progress towards implementing this plan and towards addressing those issues that affect the quality of education provided to the residents of Oak Hill and the Oak Hill Annex.

YSA has hired two consultants to work with current mental health, social service and education staff at Oak Hill to determine the special education needs of juveniles currently housed at Oak Hill. Residents at the Receiving Home who are in need of assessment are being referred to the Logan Child Stu Center until DCPS assumes responsibility for education in September 1986. DCPS procedures for due process are being observed in this effort.

Twenty-one YSA residents, thus far, have been identified as having outdated IEPs. These residents need educational assessments, updated psychologicals, multi-disciplinary team conferences and current IEPs. Educational assessments are currently being provided by a certified special education teacher hired on contract; psychological testing is being provided by mental health staff at YSA. Temporary multi-disciplinary teams have been formed by appropriate personnel at Oak Hill to write the necessary IEPs. Once this process has been completed, appropriate services will be delivered as dictated by the IEP through the Oak Hill Learning Center for Handicapped Individuals, a special education resource room.

This special education resource room model has been designed to deliver special education services to identified youth. Temporary summer staff were hired to implement this program. Related services as identified in the student's IEP that cannot be provided by existing staff will be provided through contract by East of the River Medical Associates or Psychological Services, Inc. (PSI). In addition, a summer special education program is being provided by YSA at the Receiving Home.

The current GAO report notes that 30 Oak Hill residents have morning work assignments that preclude classroom instruction. The employment of additional teachers, both short-term summer employees and future long-term employees to begin employment in September, will permit these youth to receive instruction in the afternoons. The summer school program provides 4-4 1/2 hours of instruction. Beginning in September, evening instruction will be provided as well. By February 1, 1987, when all components of the proposed education plan are in place, no youth will receive less than five hours of schooling per day.

In its report, GAO also implies that YSA teachers who have temporary or provisional certification are less qualified than DCPS teachers; however, this implication is inaccurate. The DCPS Office of Certification provides different categories of certification to fit individual needs. There are only four teachers at YSA who have failed to obtain any type of DCPS certification.

A YSA staff person has been identified to work with those teachers to obtain certification. In the event that any YSA teachers are denied certification by DCPS, they will be provided with and encouraged to take course work to correct their deficiencies as identified by the DCPS Board of Certification Determinations. Resources, including reimbursement for tuition, will be provided to help all teachers obtain the necessary certification. The D.C. Office of Personnel began using the same criteria for certification as DCPS two years ago; therefore, all new teachers who are hired to work at YSA will meet the certification criteria set forth by DCPS.

Beginning in January 1987, YSA will provide intensive diagnostic services for each newly admitted youth. The diagnostic package will include psychological, educational, vocational, medical and family assessments.

Educational assessments, to be completed within three days of admission, will identify academic needs and strengths. In the event a youth is suspected of being handicapped and in need of special education services under P.L. 94-142, she or he will be referred immediately for an evaluation by a DCPS eligibility team. When an IEP is necessary, it will be developed within 30 days.

STAFFING

As the current GAO report states, YSA has had a history of high overtime expenditures. It is important, however, to place use of this overtime in the context of problems inherent to running 24-hour per day facilities.

In a 24-hour institution, where residents must be supervised, there are special staffing problems. Managers do not have the option of leaving a cottage unmanned and residents unsupervised. In addition, current law requires that anytime an individual works more than 40 hours a week or 8 hours in a day, overtime must be paid, and current operating policies dictate that employees are not scheduled to work two consecutive weekends.

Further, because contracts require all overtime to be voluntary, managers cannot require staff to provide coverage. YSA has therefore found itself dependent upon a few people who are willing to work overtime to cover for staff shortages. This situation results in instances where individuals may earn overtime equal to 50% or more of their regular pay.

A review of overtime throughout the Department between FY 1983 and FY 1985 revealed that between 68 percent and 76 percent of all overtime expenditures were incurred by the facilities that operate on a 24-hour per day basis. Overtime expenditures for the 24-hour facilities other than YSA experienced a 35 percent increase between FY 1983 and FY 1985; the Youth Services Administration's facilities experienced the largest growth in expenditures during this period with an increase of 46 percent.

Since 1982, the Department has taken a number of actions to both analyze the causes of overtime in YSA's institutions and to put controls on excessive overtime. In fact, overtime reductions were established as a major management improvement initiative for FY 1982. In May of 1982, a request was made to the Productivity Management Services Unit of the Office of the City Administrator to assess and develop recommendations to deal with overtime at YSA. Staff conducting this assessment consulted with the Federal Bureau of Prisons, interviewed staff and analyzed employee time and attendance records.

The final report concluded that 86 percent of all overtime was based on inadequate staffing. An additional 11 percent of overtime was based on high absenteeism. The remaining 3 percent of overtime reflected poor time management and poor scheduling.

In response to this report, the Department developed a new staffing plan that included the hiring of 60 temporary group leaders and the creation of nine new security positions. Since weekends at the institution were traditionally the heaviest period for overtime, the decision was made to concentrate the temporary staff during this period. The security positions eliminated the need to use counseling staff for transportation or maintaining the control center. An analysis of the impact of these actions on Cedar Knoll's overtime completed in February 1983 showed a 55 percent reduction in overtime from the previous six months at a net savings of $3,000 a pay period.

Actions were also taken to implement additional recommendations in the report addressing high absenteeism. High absenteeism resulted largely because of the use of sick leave and was concentrated among a few employees. A number of meetings were held between Employee Relations staff of the Office of Personnel and YSA staff to improve the Department's ability to take personnel actions against employees with poor attendance. Leave scheduling was also centralized to reduce the lack of coordination between supervisors in granting leave.

However, when plans were made to close Cedar Knoll, a request for continuation of the temporary staff was not made since permanent staff from Cedar Knoll were to be reassigned to Oak Hill to reduce staff shortages in that institution. Since September 30, 1984, no funds or staff have been budgeted for Cedar Knoll. Consequently, when Cedar Knoll did not close as planned, YSA was not prepared to handle the additional staffing needs.

The use of overtime staffing during this time period was a necessary step to ensure adequate 24-hour coverage for all of YSA's institutions. However, the increased demands and the need to rely on overtime staffing created a situation in which it appears that abuse of overtime policies and procedures did occur. However, the institutions could not have operated without the use of overtime. Unfortunately, the operational necessities of running a youth prison system dominated the decision-making process to an extent that should not have occurred.

While the Department of Human Services has acknowledged that abuse of overtime may have occurred during this crisis, high overtime expenditures for the institution as a whole or for an individual staff person are not necessarily signs of abuse. However, it is possible for an employee who works holiday, Sunday or evening hours to earn more than their annual salary without partaking in any criminal activity.

Nonetheless, the Department has recognized the need for more stringent policies to control the use and management of overtime. Such policies which were issued in draft form in the spring of 1986 were finalized (Policy and Procedure Issuance, Transmittal Letter No. IV-19-F1) and fully implemented in June 1986.

The main features of these new policies and procedures are:

-- Preparation of quarterly reports projecting overtime needs by each administration and Office of Executive Direction and Support and submission of those reports for review and approval to the Commissioners and/or the Director and the Controller;

-- Official order and approval of all overtime before it is performed;

-- Prohibition on the processing of requests for overtime by timekeepers and payroll clerks without proper documentation;

-- Restrictions on those persons who are able to authorize overtime; and

-- Authorization for overtime work in an excess of 20 hours per pay period only by the Commissioner, Administrator, Office Head or Director.

It is clear that the problems experienced by YSA in the area of overtime were directly related to the personnel and staffing requirements of the institutions. Therefore, YSA has taken a number of additional steps to reduce staff shortages and to ensure that staff are adequately trained.

The GAO report notes that existing staff have often been used to fill vacancies of supervisory staff on an overtime basis and makes specific reference to the Oak Hill laundry manager and recreation specialist covering as Officer of the Day. However, existing staff are not chosen at random to fill these positions. Both of these employees have previous supervisory experience and extensive experience in various aspects of the operation of the institution over the last 15 years. The laundry manager was a cottage unit supervisor prior to becoming a laundry manager.

YSA received authorization to hire 60 new group leaders early in 1986. Fifty-one of those new hires participated in an intensive staff training program in May 1986 and are currently working as regular YSA staff members. On July 7, 1986, five additional group leaders participated in staff training and are also currently working as regular staff members. Four of the 60 positions have not yet been filled, but recruitment efforts are still underway and those positions are expected to be filled shortly. The addition of these new staff members has increased the total number of YSA staff to 316, a 25 percent increase from the first quarter of 1985 when YSA had its lowest number of staff on board.

YSA has also implemented the institution-wide scheduling plan which GAO makes reference to in its report. This plan was developed by two consultants hired by YSA during 1985.

CONTRACTING

When the Department of Human Services decided to provide more services to delinquent youth in smaller community-based programs, it was determined that these programs could be provided more effectively through private sector contractors - a decision that was made by many government agencies across the country. However, it is now apparent that the Department failed to establish a monitoring system that had sufficient controls to ensure the efficient provision of those services.

The GAO report states that a number of YSA's contracts were sole source contracts; however, YSA uses competitive bidding to award the majority of its contracts. As defined by the "District of Columbia Procurement Practices Act of 1985", competitive bidding means the offer of prices by individuals or firms competing for a contract, privilege or right to supply specified services or materials. For negotiated contracts, the Department of Human Services uses Competitive Sealed Proposals (CSPs). The Procurement Practices Act defines CSPs as the process which includes the submission of sealed written technical and price proposals from two or more sources and a written evaluation criteria which consider price, quality of the items, performance and other relevant factors.

In FY 1984, 24 of YSA's contracts were sole source contracts. However, 12 of these contracts were personal service contracts which are almost always awarded as sole source contracts because of the nature of the required technical or professional services. Of the 40 negotiated services contracts, only 12 were sole source contracts; 13 were initial contracts awarded through the RFP process and 15 were renewal contracts in which the option to renew was exercised through the RFP process. (In accordance with D.C. Form 2640-2, the initial year of a contract plus three renewals are part of the competitive process.) In FY 1985, 23 of YSA's contracts were sole source contracts including 12 personal service contracts; the remaining 19 negotiated services contracts were renewal contracts that were originally put into place through the competitive process.

Once a contract is awarded, the Department uses a Letter Contract to allow a contractor to begin providing services. A Quantum Merit (QM) document is used only as an interim mechanism to remunerate a contractor for the renewal of on-going services. There has been no deviation from established DHS policy regarding the use of QM payments and Letter Contracts as the GAO report suggests.

Letter Contracts are issued by the Department of Human Services pending execution of the negotiated services contract. The Letter Contract serves as an interim authorization, allowing new services to begin or for the continuation of services in emergency situations. The Letter Contract incorporates, by reference, the proposal and budget documents and provides a synopsis of services, the dollar amount of the contract and indicates the period of the contract. The Letter Contract is replaced by the Negotiated Services Contract once the contracting process has been completed. The use of Letter Contracts has been authorized by the Code of Federal Regulations Title 41 (Public Contracts and Property Management), Federal Acquisition Regulation (FAR) of April 1984, and the new procurement law, "District of Columbia Procurement Practices Act of 1985", which recognizes the valid and legal use of this document.

Quantum Merit (QM) documents allow a contractor to be remunerated for the renewal of on-going services without the benefit of a duly executed contract and/or amendment. This is a unilateral document which requires only the signature of the contracting officer.

Once contractors begin providing services, they are paid after submitting an invoice for payment. In fiscal years 1984 and 1985, there were twenty-nine (29) contracts paid through the Multiple Payment Schedule. A schedule of automatic payments is established to generate payments and actual vendors invoices are reconciled against the payments. The vendors invoices are attached to a Voucher, FMS Form 430, which has been authorized by the Contract Administrator.

The DHS, Office of the Controller, (OC), will place a contractor on the Multiple Payment Schedule within the Financial Management System with a request from the concerned Department Administrator, provided that:

a. An approved/signed contract document is on file with

OC or;

b. An approved/signed Determination of Findings is on file with OC or;

c. An approved/signed Letter of Contract is on file with OC.

If none of the above are present, the OC, Contract Unit would not enter a contract in the FMS for automatic payment. In all cases, prior budgetary approval must be obtained and the necessary budget authorization must be in place within FMS before any obligating document will be accepted by the FMS. Therefore, although an actual contract has not been approved or signed, it could be entered into the Multiple Payment Schedule if either (b) or (c) above were present.

The Office of the Controller, on a quarterly basis, reconciles the monthly Multiple Payment Schedule payment to monthly invoices submitted by the contractor. The contractor's invoice is signed by the contractor and accompanied by a voucher that is signed by the Contract Administrator verifying that services were performed. The Contract Administrator certifies to OC that the attached invoice is indicative of the services provided and OC compares this to the automatic payment. To avoid overpayment adjustments, no more than eighty percent of the contract amount is paid by the Multiple Payment Schedule. Adjustments to payments are determined by the quarterly reconciliations and adjusted by a voucher payment or by a reduction to vendor's invoices. Vendors are notified of the adjustments by an OC form letter. Actual detailed documentation of the vendor's invoice is maintained with the Contract Administrator or is on file with the contractor as specified by terms of the contract. This documentation is subject to review and audit by the D.C. Government at any time and is so stated in the contract.

The GAO report states that a large percentage of invoices completely lacked documentation. The Department does not require contractors to submit documentation, such as receipts, time sheets, etc., with their invoices. Since the majority of costs are personnel services, this would require the contractor to submit time sheets, payroll ledgers, and payroll tax forms. This would be, in effect, an audit of each payment which is time-consuming and not cost-effective.

The invoices are certified by the Contract Administrator indicating that the work has been completed. This is not a certification that costs have been audited. The DHS Internal Audit staff conducts audits of the contract payments on a sample basis, or as requested by the programs. In current contract negotiations, audits are required to be forwarded to the Administration for review. The Department feels that these procedures are consistent with those followed by other government entities in dealings with outside contractors.

The Monitoring and Technical Assistance Unit of YSA has been monitoring contractor performance since 1983. The tools it has at its disposal and the manner in which it is executing this function are currently being reviewed. More stringent monitoring standards are expected to be in place by September 1986. This unit will, however, continue to be responsible for ensuring that quality services are being provided to YSA youth. YSA has also expanded efforts to recruit additional contract staff within the administration.

There has also been established in the DHS Office of the General Counsel a Quality Assurance Unit which will review contracts prior to execution of the final contract. One of the responsibilities of this Unit prior to presentation to the Contract Review Committee (CRC), will be to ensure that resumes submitted by contractors are accurate.

PERSONNEL

GAO projects in its report that 32 percent of the YSA employees who work directly with juveniles are performing duties other than those described in their position descriptions. In addition, GAO projects that 70 percent of these employees have position descriptions that do not reflect accurate information on work location, job title and job series.

To date, YSA has identified approximately 65 employees throughout the Administration who are performing duties other than those described in their position descriptions. Of these 65, a total of 11 positions have been officially re-classified to reflect the duties employees are performing. Additionally, 22 position descriptions have been rewritten for review and classification.

Still, YSA acknowledges that more attention needs to be directed toward updating position descriptions throughout the Department. However, that process has been slowed, at least in part, by major shifts in programming at the YSA facilities.

The transition YSA has been going through in the past several years has required that staff not only change their philosophy of treatment but also that some staff change the work that they do. All of those changes were further complicated by the failure to close Cedar Knoll as planned. Consequently, the personnel actions that need to be completed to ensure that position descriptions accurately reflect the employment circumstances of each employee have not been completed for many employees.

To completely update the position descriptions of YSA, the Office of Personnel, Human Services Cluster has begun a classification survey of all YSA positions. An organizational chart that reflects YSA's current organizational structure and includes all current staffing patterns will be submitted by YSA to the Office of Personnel by September 15, 1986. All updated position descriptions will be submitted by October 15, 1986. All personnel actions and changes that need to be completed within the administration will be completed by the Office of Personnel by February 1987. At that time a schedule will be set up for reviewing all position descriptions every three years.

SUMMARY OF RESPONSE TO GAO RECOMMENDATIONS

The Department of Human Services has acknowledged that it has made mistakes in handling a crisis in its juvenile institutions. A number of the recommendations made by GAO have been implemented; timetables have been set for implementing the others.

-- The Department has issued new policies and procedures for controlling and monitoring overtime.

-- The Department has conducted training sessions for Contract Administrators.

-- The Department has established in the Office of the General Counsel a Quality Assurance Unit which will review contracts prior to presentation to the Contract Review Committee and prior to execution of the final contract.

-- The Department will issue an RFP for an independent audit of YSA payroll and contracting functions during FY 1987.

-- The Office of Personnel has begun a classification survey of all YSA positions which will be completed by February 1987. A schedule to review each position at least once in a three-year period will be developed by March 1987.

-- The Department will agree to conduct an independent audit of contracts for FY 1984 through FY 1986. Funding will be requested for the additional audit services.

-- The City Administrator/Deputy Mayor for Operations has direct oversight responsibility for the Department of Human Services; therefore, he will oversee and monitor the implementation of those recommendations made by GAO and agreed to by DHS.

RECOMMENDATIONS TO CONGRESS

The District of Columbia Government has implemented or will implement in the near future all of the recommendations made by GAO in its report . However, there are a number of issues affecting the treatment of juvenile offenders which remain unresolved in this city and throughout the nation. To alleviate a number of these problems, the Department of Human Services recommends that Congress take action on the following recommendations:

-- Develop a national policy for children, youth and families;

-- Restore funding for programs targeted to low-income families to reduce the growing incidence of poverty among children and female-headed families;

-- Develop national standards for the use of detention so that rates of detention are reduced nationally;

-- Increase funding levels for neighborhood prevention and diversion programs; and

-- Expand employment and training opportunities for youth through programs like Job Corps which have proven to be effective.

Mr. WILLIS. We want to thank you on behalf of Mr. Fauntroy for your testimony.

Superintendent McKenzie.

I want to thank you for your patience. Hopefully, Mr. Fauntroy will rejoin us. We have your written statement, and you may proceed as you wish.

STATEMENT OF DR. FLORETTA McKENZIE, SUPERINTENDENT, DISTRICT OF COLUMBIA SCHOOLS

Ms. McKENZIE. Thank you.

Good afternoon, Chairman Fauntroy and members of the subcommittee. For the record, I am Floretta Dukes McKenzie, superintendent of schools and chief state school officer of the District of Columbia.

In my remarks today, I hope to elucidate the role that the District of Columbia public schools is to play in providing special education to students involved in the juvenile justice system.

I will highlight portions of the testimony in the interest of time.

Pursuant to the interagency agreement concerning provision of special education to handicapped detained youths entered into last month by the school system, D.C. Department of Human Services and the D.C. Superior Court, the schools have assumed several key responsibilities in regard to the education of these youngsters.

First of all, we have agreed to arrange for assessment of detained juveniles with suspected handicapping conditions upon their referral from youth services, and also the responsibility for the development of the individual education plans.

More specifically, we will participate in onsite assessment with the use of teams funded by money requested in the school system's fiscal year 1987 budget, and will work with the school system's child study teams to facilitate assessment and monitoring of youngsters involved in the juvenile justice system.

We have already taken several steps toward reducing the time that it takes for the assessment of suspected handicapped delinquents and their placement in appropriate special education programs.

I have sent memoranda to appropriate D.C. public school staff indicating our responsibilities in this matter. We have undertaken comprehensive studies of the management of special education programs and related services to Logan Child Study Center and the public schools regional pupil centers, with needed program and management modifications presently under executive review.

In addition, we have approved a plan for yearround staffing at the child study center, which is now being implemented through the advertising of the requisite positions.

We have installed microcomputers in both the child study center and our other special education offices in an effort to monitor the assessment and placement of students. But we still realize that there is more to be done.

We are concerned about the latest data regarding our assessment and placement of handicapped youths that has been alluded to in the testimony of the General Accounting Office, which indicates that there are still some notable inefficiencies.

Upon receipt of the original GAO recommendations, I personally met on several occasions with those persons in our system responsible for the assessment and placement of handicapped youths.

Together, we worked on strategies for tackling this problem, and requested funding in our fiscal year 1987 budget to deal with this problem.

However, in light of the latest GAO findings, I am ready to take further steps to alleviate these problems. I plan to meet with the key personnel involved, analyze the most recent data carefully and formulate additional strategies for improving our procedures.

We are also willing to take further—make further personnel and adjustments and to work hard to see that these employees are utilized effectively as we realize that increased staffing does not automatically translate into a more efficient operation.

The D.C. schools further agree to establish and operate an educational program designed to meet the needs of youth at the receiving home upon the transfer of budgeted moneys from the executive branch of the D.C. government.

Toward that end, the school system has obtained information regarding the receiving home population and its needs, as well as data concerning current personnel and material resources.

Based on this information, we have already begun to advertise for additional personnel needed to staff the receiving home.

The public schools' operation of this program is set to begin September 1986. We have also assumed total responsibility for developing standards and procedures including requirements concerning teacher certification and class size for special education youngsters at juvenile correction facilities.

Pursuant to this charge, the schools have already established such program standards and has distributed those board of education rules regarding certification for special education teachers to the city of the other city agencies.

Moreover, the school system will monitor carefully both the extent to which special education programs for delinquent youths meet State standards, and the degree to which the qualifications of teachers of these youth comply with State certification requirements.

Under the interagency agreement, we will monitor the quality and quantity of education services, provide it to handicapped delinquent students in all residential facilities run by or under contract with Youth Services Administration.

Toward this end, the system has acquired a list of these facilities, and, simultaneously has begun to reorganize and more fully staff its special education monitoring unit, using money from both the Federal Government and fiscal year 1986 reprogrammings. Additional funds for this monitoring staff and their travel expenses have also been requested in the District of Columbia public schools' fiscal year 1987 budget.

Pursuant to this monitoring unit reorganization, a new position for a director of this group was established just this month, and a temporary appointment to this position has already been requested and approved.

In addition, all in-town facility monitoring has been scheduled, and a similar out-of-town monitoring plan established through

August 1986. The school system has further agreed not only to set out in its monitoring reports which educational and related services are not being provided in all Youth Services Administration facilities, but also to render needed technical assistance in obtaining these essential services.

Despite all of its efforts directed toward providing delinquent youth with satisfactory special education, the school system knows that this task required a joint effort. We have already named a liaison to coordinate exchange of records and information with both the D.C. Department of Human Services and D.C. Superior Court.

Specific procedures and criteria for this interaction exchange of information have been made a part of the interagency agreement. I hope that this brief overview of the role that the school system will play in the education of the handicapped delinquent youth, has been helpful.

I thank you for this opportunity to testify regarding the school system's role in this effort.

[The prepared statement of Ms. McKenzie follows:]

STATEMENT OF FLORETTA DUKES MCKENZIE
SUPERINTENDENT OF SCHOOLS
CHIEF STATE SCHOOL OFFICER
DISTRICT OF COLUMBIA PUBLIC SCHOOLS
BEFORE THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

GOOD AFTERNOON, CHAIRMAN FAUNTROY AND MEMBERS OF THE SUBCOMMITTEE. FOR THE RECORD, I AM FLORETTA DUKES MCKENZIE, SUPERINTENDENT OF SCHOOLS AND CHIEF STATE SCHOOL OFFICER OF THE DISTRICT OF COLUMBIA. IN MY REMARKS TODAY I HOPE TO ELUCIDATE THE ROLE THAT THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS IS TO PLAY IN PROVIDING SPECIAL EDUCATION TO STUDENTS INVOLVED IN THE JUVENILE JUSTICE SYSTEM.

PURSUANT TO AN INTERAGENCY AGREEMENT CONCERNING THE PROVISION OF SPECIAL EDUCATION TO HANDICAPPED DETAINED YOUTHS, ENTERED INTO LAST MONTH BY THE D.C. PUBLIC SCHOOLS, THE DEPARTMENT OF HUMAN SERVICES, AND THE D.C. SUPERIOR COURT, THE SCHOOL SYSTEM HAS ASSUMED SEVERAL KEY RESPONSIBILITIES IN REGARD TO THE EDUCATION OF THESE STUDENTS. FIRST OF ALL, THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS HAS AGREED TO ARRANGE FOR THE TIMELY ASSESSMENT OF ALL SUCH DETAINED JUVENILES WITH SUSPECTED HANDICAPPING CONDITIONS, UPON THEIR REFERRAL BY THE YOUTH SERVICES ADMINISTRATION, AND THEN TO DEVELOP INDIVIDUAL EDUCATIONAL PLANS ("IEP'S") FOR THOSE STUDENTS WHO DO, INDEED, PROVE TO BE HANDICAPPED. MORE SPECIFICALLY, ON-SITE DISTRICT OF COLUMBIA PUBLIC SCHOOLS ASSESSMENT TEAMS, FUNDED WITH MONIES REQUESTED IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS' FY '87 BUDGET, WILL WORK WITH THE SCHOOL SYSTEM'S REGULAR CHILD STUDY TEAMS TO FACILITATE THE ASSESSMENT AND MONITORING OF YOUNGSTERS INVOLVED IN THE JUVENILE JUSTICE SYSTEM.

SIGNIFICANTLY, MOREOVER, THE SCHOOL SYSTEM HAS ALREADY TAKEN SEVERAL STEPS TOWARD REDUCING THE TIME THAT IT TAKES FOR THE ASSESSMENT OF SUSPECTED HANDICAPPED DELINQUENTS, THE DEVELOPMENT OF THEIR IEP'S, AND THEIR PLACEMENT IN APPROPRIATE SPECIAL EDUCATION PROGRAMS. LAST OCTOBER, A MEMORANDUM WAS ISSUED TO ALL SCHOOL OFFICERS, DIRECTING THEM TO ADHERE STRICTLY TO ALL SPECIAL EDUCATION REQUIREMENTS SET FORTH IN BOTH THE *MILLS* DECREE AND THE BOARD OF EDUCATION'S *RULES*. MOREOVER, COMPREHENSIVE STUDIES OF THE MANAGEMENT, SPECIAL EDUCATION PROGRAMS, AND RELATED SERVICES AT BOTH THE LOGAN CHILD STUDY CENTER AND DISTRICT OF COLUMBIA PUBLIC SCHOOLS REGIONAL PUPIL PERSONNEL SERVICE CENTERS HAVE NOW BEEN COMPLETED, WITH

NEEDED PROGRAM AND MANAGEMENT MODIFICATIONS PRESENTLY UNDER EXECUTIVE REVIEW. IN ADDITION, AN APPROVED PLAN FOR YEAR-ROUND STAFFING FOR THE CHILD STUDY CENTER IS NOW BEING IMPLEMENTED THROUGH THE ADVERTISING OF REQUISITE POSITIONS. MICROCOMPUTERS, WHICH PROVIDE TELECOMMUNICATIONS WITH MAINFRAME PROGRAMS, HAVE BEEN INSTALLED IN EACH SPECIAL EDUCATION OFFICE TO FACILITATE THE MONITORING OF TIMELINES IN ACCORDANCE WITH BOARD OF EDUCATION RULES.

STILL, WE REALIZE THAT MORE MUST BE DONE. WE ARE CONCERNED ABOUT THE LATEST DATA REGARDING OUR ASSESSMENT AND PLACEMENT OF HANDICAPPED YOUTH, ALLUDED TO IN THE TESTIMONY OF THE GENERAL ACCOUNTING OFFICE ("GAO"), WHICH INDICATES THAT THESE SPECIAL EDUCATION PROCEDURES HAVE PROVEN INCREASINGLY INEFFICIENT. UPON RECEIPT OF THE GAO'S ORIGINAL RECOMMENDATIONS, I MET ON MORE THAN ONE OCCASION WITH SEVERAL PERSONS RESPONSIBLE FOR THE SCHOOL SYSTEM'S ASSESSMENT AND PLACEMENT OF HANDICAPPED STUDENTS. TOGETHER WE FORMULATED STRATEGIES FOR TACKLING THIS PROBLEM, WHICH INCLUDED REQUESTING FUNDING FOR ADDITIONAL SPECIAL EDUCATION PERSONNEL IN THE DCPS' FY 1987 BUDGET.

HOWEVER, IN LIGHT OF THE GAO'S LATEST FINDINGS, I AM PREPARED TO TAKE FURTHER STEPS TO ALLEVIATE THIS PROBLEM. I PLAN TO MEET AGAIN WITH KEY DCPS SPECIAL EDUCATION PERSONNEL TO ANALYZE THE MOST RECENT DATA CAREFULLY AND FORMULATE ADDITIONAL STRATEGIES FOR IMPROVING OUR PROCEDURES. WE ARE WILLING TO MAKE FURTHER PERSONNEL ADJUSTMENTS AND ALSO TO WORK HARD TO SEE THAT THESE EMPLOYEES ARE UTILIZED EFFECTIVELY, AS WE REALIZE THAT INCREASED STAFFING DOES NOT AUTOMATICALLY TRANSLATE INTO A MORE EFFICIENT OPERATION.

THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS HAS FURTHER AGREED TO ESTABLISH AND OPERATE AN EDUCATIONAL PROGRAM DESIGNED TO MEET THE NEEDS OF YOUTH DETAINED AT THE RECEIVING HOME FOR CHILDREN, UPON THE TRANSFER OF BUDGETED MONIES NOW ALLOCATED TO THE DEPARTMENT OF HUMAN SERVICES. TOWARD THAT END, THE SCHOOL SYSTEM HAS OBTAINED INFORMATION REGARDING THE RECEIVING HOME POPULATION AND NEEDS, AS WELL AS DATA CONCERNING ITS CURRENT PERSONNEL AND MATERIAL RESOURCES. BASED ON THIS INFORMATION, THE SCHOOL SYSTEM HAS ALREADY BEGUN TO ADVERTISE FOR ADDITIONAL PERSONNEL NEEDED TO STAFF THIS FACILITY ADEQUATELY. THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS' OPERATION OF THIS PROGRAM IS SET TO BEGIN IN SEPTEMBER OF 1986.

THE SCHOOL SYSTEM HAS ALSO ASSUMED TOTAL RESPONSIBILITY FOR DEVELOPING STANDARDS AND PROCEDURES, INCLUDING REQUIREMENTS CONCERNING TEACHER CERTIFICATION AND CLASS SIZE, FOR THE SPECIAL EDUCATION OF ALL HANDICAPPED STUDENTS, INCLUDING THOSE YOUTH IN JUVENILE CORRECTIONS FACILITIES. PURSUANT TO THIS CHARGE, THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS HAS ALREADY ESTABLISHED SUCH PROGRAM STANDARDS AND HAS DISTRIBUTED THOSE BOARD OF EDUCATION RULES REGARDING DISTRICT OF COLUMBIA PUBLIC SCHOOLS CERTIFICATION REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS TO ALL MAYORAL AGENCIES RENDERING SPECIAL EDUCATION SERVICES.

Moreover, the School System will monitor carefully both the extent to which special education programs for delinquent youth meet state standards and the degree to which the qualifications of teachers of these youth comply with state certification requirements.

Under the interagency agreement, furthermore, the District of Columbia Public Schools will similarly monitor the quality and quantity of special education services provided to handicapped delinquent students in all residential facilities run by, or under contract with, the Youth Services Adminstration. Toward this end, the School System has acquired a list of such facilities, and, simultaneously, has begun to reorganize and more fully staff its special education monitoring unit, using monies from both the federal government and FY '86 reprogrammings. Additional funds for this monitoring staff and their travel expenses have also been requested in the District of Columbia Public Schools' FY '87 Budget.

Pursuant to this monitoring unit reorganization, [redacted] a new position for a director of this group was established just this month, and a temporary appointment to this position has already been requested and approved. In addition, all in-town facility monitoring has been scheduled, and a similar out-of-town monitoring plan established through August, 1986. The School System has further agreed not only to set out in its monitoring reports which educational and related services are not being provided in all Youth Services Administration facilities, but also to render needed technical assistance in obtaining these essential services.

Despite all of its efforts directed toward providing delinquent youth with satisfactory special education, [redacted] the School System knows that this task requires a joint effort. ① Consequently, a *pro tem* District of Columbia Public Schools liaison has been appointed to coordinate and exchange student records and information with both the Department of Human Services and the Superior Court. Specific procedures and criteria for this interagency exchange of information have been made part of the interagency implementation agreement, as have procedures for interagency planning and evaluation of post-release follow-up services for both handicapped and non-handicapped delinquent youth.

I hope that this brief overview of the role which the School System will play in the education of handicapped, delinquent youth has been helpful. I would like to thank you for providing me with the opportunity to testify regarding the Board of Education's efforts in this very important area.

Mr. **McKinney**. We thank you, Doctor, for coming. I will probably have questions for you in writing which I will send on to you. I just had two that I wanted to ask you about.

Back in September, when we last discussed this matter, it was said that a computerized system for exchange of information would be implemented in about 6 months. It has now been about 9 months. Is it done?

Ms. **McKenzie**. Yes, we have the computerized system, but I must indicate to you I am not altogether satisifed with the level of performance yet. I met this morning with Dr. Lanier of Southeast Hospital to see if he can help me with improving my recordkeeping capability in this area.

Mr. **McKinney**. This is vital for me, this system, in fact, if I were to follow this through in the Connecticut fashion, we have a—with both social services and someone from his school, as well as the prosecutor to have an exchange with the judge so that all of this can be followed through, and of course, it is vital that the schools get the information on the other end of it, when people are put back in your system.

Because I am sure some of these kids create a certain amount of chaos in your life. It would be nice to know they are coming.

In your statement last September, you said a budget increase would be needed to handle the recommendation. You know, Public Law 94-142 doesn't allow for budget increases. It doesn't allow money to be an excuse for not living up to it, which is an interesting way Congress does things once in a while.

Do you think that—how much of an increase do you need? Will you get it?

Ms. **McKenzie**. We have requested from the city an increase of over $4 million, and to date, there has been a positive response. We expect to get the money we need in order to make whatever changes.

Mr. **McKinney**. I certainly appreciate your being here. I think you are trying, and that is the best we can do in this situation.

Other questions? Do you have anything?

Mr. **Willis**. No, Mr. Chairman, thank you. We just want to thank you for your testimony, and thank you for your responses to the inquiry for Congressman Fauntroy.

Mr. **McKinney**. You know how short-winded everybody gets on a Friday at about 3 o'clock. That is true, I suppose, in the District and Federal Government as well.

At the moment, I will say that we probably will have written questions for all the witnesses we heard from today, and we will submit them as quickly as possible.

Ms. **McKenzie**. We will respond promptly.

Mr. **Willis**. We would like to include Mr. Fauntroy's closing statement for the record.

Mr. **McKinney**. I have no objection.

[The prepared closing statement of Mr. Fauntroy follows:]

CLOSING STATEMENT OF

WALTER E. FAUNTROY, CHAIRMAN

SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH

ON

P.L. 94-142

FRIDAY, JUNE 20, 1986

12:00 NOON

TODAY WE CONCLUDE OVERSIGHT HEARINGS THAT BEGAN ON SEPTEMBER 10, 1985, INTO THE PROGRESS BEING MADE BY THE DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES, THE DISTRICT OF COLUMBIA DEPARTMENT OF EDUCATION AND THE DISTRICT OF COLUMBIA SUPERIOR COURT TOWARDS THE IMPLEMENTATION OF 94-142, "THE EDUCATION OF ALL HANDICAPPED CHILDREN ACT". I THINK I CAN SAFELY SAY IT HAS BEEN BOTH DISTURBING AND ENLIGHTENING.

1. AT THE NATIONAL LEVEL, THE DEPARTMENT OF EDUCATION NEEDS TO IMPROVE THE SUPPORT AND TECHNICAL ASSISTANCE IT IS SUPPOSED TO GIVE TO THE STATES. WITHOUT APPROPRIATE GUIDELINES, STATES AND LOCAL JURISDICTIONS ARE AT A LOSS TO BE ABLE TO DETERMINE WHETHER OR NOT THEY ARE MAINTAINING COMPLIANCE WITH P.L. 94-142.

2. IT IS EVIDENT FROM WHAT WE HAVE HEARD HERE TODAY THAT REAL AND SUBSTANTIVE EFFORTS ARE BEING MADE ON THE PART OF THE DISTRICT THROUGH ITS INTERAGENCY COMMITTEE TO BRING ABOUT THE CHANGES NEEDED TO BRING THE DISTRICT INTO COMPLIANCE WITH P.L. 94-142.

3. G.A.O. IS TO BE COMMENDED FOR THE FINE WORK THEY HAVE DONE IN HELPING US FOCUS ON THE CRITICAL AREAS IN NEED OF CHANGE.

4. I AM CHARGING COMMITTEE STAFF WITH THE RESPONSIBILITY OF MEETING WITH DISTRICT OFFICIALS, FEDERAL REPRESENTATIVES, THE DISTRICT OF COLUMBIA SUPERIOR COURT, AND THE DISTRICT OF COLUMBIA DEPARTMENT OF EDUCATION ON A MONTHLY BASIS AND TO REPORT TO ME THE PROGRESS BEING MADE TOWARD A FULL IMPLEMENTATION OF P.L. 94-142. I ALSO REQUEST THAT THEY WORK WITH THE AFOREMENTIONED AGENCIES AND DEPARTMENTS TO DETERMINE THE APPROPRIATE SIZE AND SCOPE OF THE PROGRAMS.

Mr. **McKinney**. I have a closing statement here. Evidently, the press has left us, but this is not a witchhunt. This is not trying to interfere in the District's affairs. We had no control over what GAO found when I originally sent them in.

I would only suggest to those present and to those listening that I was equally as tough on the Connecticut commissioner of education about compliance, and I was equally as tough on the civil rights part of this case, where we had several meetings with the Department of Education and the commissioner, and we worked them out together.

So it can be done.

Ms. **McKenzie**. Yes.

Mr. **McKinney**. It is not cheap. It is not easy, but I don't know what in life is cheap, including the candy bars you buy at the airport.

Ms. **McKenzie**. Thank you.

Mr. **Willis**. If there is nothing further, then the hearing is closed.

[Whereupon, at 2:55 p.m., the subcommittee was adjourned.]

Appendix

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIFORNIA, CHAIRMAN

WALTER E. FAUNTROY, DISTRICT OF COLUMBIA
ROMANO L. MAZZOLI, KENTUCKY
FORTNEY H. (PETE) STARK, CALIFORNIA
WILLIAM H. GRAY III, PENNSYLVANIA
MICHAEL D. BARNES, MARYLAND
MERVYN M. DYMALLY, CALIFORNIA
ALAN D. WHEAT, MISSOURI

STEWART B. McKINNEY, CONNECTICUT
STANFORD E. (STAN) PARRIS, VIRGINIA
THOMAS J. BLILEY, JR., VIRGINIA
LARRY COMBEST, TEXAS

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN UNGRSAI, MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, DC 20515

July 2, 1986

Mr. Anthony N. Salvemini
U.S. General Accounting Office
Washington Region
Room 5077
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Salvemini:

Enclosed are questions which follow-up on the City's statement and oral presentation at a hearing on June 20, 1986 on the progress made toward implementing P.L. 94-142 by the District of Columbia.

Answers to the enclosed questions are due in my office not later than July 21, 1986.

Sincerely yours,

STEWART B. McKINNEY
Ranking Minority Member

cc: Mr. Gene Dodaro

GAO United States
General Accounting Office

Washington Regional Office

441 G Street, NW
Room 5077
Washington, DC 20548

July 15, 1986

Mr. Stewart B. McKinney
Ranking Minority Member
Committee on the District of Columbia
House of Representatives
Room 1310
Longworth House Office Building
Washington, D.C. 20515

Dear Mr. McKinney:

In response to your letter dated July 2, 1986, enclosed are answers to your questions.

Sincerely yours,

Anthony N. Salv

Anthony N. Salvemini
Senior Evaluator

cc: Mr. Gene Dodaro

1. **In your statement, GAO states that the Youth Services Administration had cooks, maintenance personnel and plumbers working at times as Officers of the Day, which made them in charge of the operation of the institution. And at other times similar persons were placed in charge of supervising the children. How was this information gathered by GAO? Had this information been discussed with city officials, and on what date did such discussion take place?**

GAO gathered this information from the city's own documents. We extracted this information from YSA's overtime authorization sheets.

This information had been discussed with city officials on three different occasions. The dates and the city officials present at these meetings are:

Jan. 15, 1986 -- Former YSA Administrator, Patricia Quann
CSS Senior Advisor, Robert Malson

Apr. 11, 1986 -- Commissioner on Social Services, Audrey Rowe
CSS Senior Advisor, Robert Malson

Jun. 18, 1986 -- Deputy Mayor for Operations, Thomas Downs
DHS Director, David Rivers
CSS Commissioner, Audrey Rowe
Acting YSA Administrator, Robert Malson

2. **In your statement, GAO states that the contract monitor for the YSA Community Services Program did not have access to the contracts and therefore a comparison between services provided and the contractual agreement could not be made. How was this verified, and were any contracts adequately monitored by the Community Services Program contract monitor?**

This was verified through an interview with the Manager of the Community Services Project on May 9, 1986 and an interview on May 21, 1986 with the Social Services Representative Supervisors who interact with the contractors on a weekly basis.

In GAO's opinion, the contracts could not be adequately monitored if the monitors do not have copies of the contracts and therefore, do not know what services are contracted for.

3. Officials of the D.C. Department of Human Services have said that contractors must submit audits at the end of the contract term. How many contracts for Fiscal Years 1984-85 required independent audits?

Ten contracts funded in fiscal years 1984 and 1985 had the requirement of an independent annual audit written into the contract.

4. In its audit of the overtime payments and other costs to operate Cedar Knoll for the summer of 1984, did GAO find that the overall costs for operating that facility decreased in accordance with the decrease in its juvenile population?

Cedar Knoll did not have its own budget in 1984, therefore it was impractical to look at either the overall costs to operate Cedar Knoll or the overtime payments made to employees for working there. However, we did obtain figures for overtime payments for all of YSA on a yearly basis, they are:

fiscal year 1983	$1.3 million
fiscal year 1984	3.4 million
fiscal year 1985	3.8 million

5. In her testimony before the Subcommittee on June 20, 1986, Commissioner Rowe stated that GAO had requested that no disciplinary action be taken against YSA staff while investigations conducted by GAO and the U.S. Department of Justice were underway. Why did GAO make this request?

GAO did not make this request.

6. Provide documentation for the record of all materials related to the accreditation of the on-campus and extension programs at Bowie State to provide special education training to teachers, as contracted by YSA.

GAO received a letter from the Maryland State Department of Education dated August 21, 1985 stating they never reviewed a special education program given by Bowie State College at Cedar Knoll. We received another letter dated August 27, 1985 reconfirming that they had not approved a special education program at Cedar Knoll (see attachment I).

7. How did GAO go about getting the list of the 80 contracts reviewed for FY 1984-1985? Please attach any supporting documentation?

The following is a chronology of our requests for a list of YSA contracts:

November 19, 1985 --	Opening conference, GAO requested a list of contracts with YSA for fiscal years 1984 and 1985.
December 4, 1985 --	Robert Malson, GAO liaison, provided a list of negotiated services contracts to GAO.
December 12, 1985 --	Requested of Mr. Lawrence Hallman, Chief, DHS Contracts Branch, additional information on the list provided. We requested contract numbers and selection method.
December 17, 1985 --	Received from Mr. Hallman the list of 82 negotiated services contracts that we used.
January 28, 1986 --	GAO asked Ms. Shirley White, YSA Contract Administrator, to annotate the list stating the services to be provided under each contract and to verify that the list was complete.
April 1, 1986 --	Received annotated list from Ms. White and no indication that the list was not complete.

GAO Analysis of List Provided

It was evident to us that the list included those contracts funded in fiscal years 1984 and 1985 because fiscal year 1983 contracts that crossed fiscal years were included. The first two numbers of a contract number indicate the fiscal year it was initiated in. The list included the following number of contracts per fiscal year:

fiscal year 1983	15 contracts
fiscal year 1984	36
fiscal year 1985	31
Total	82

We completed a DCI for 80 of these contracts. A DCI was not completed for contract JA83478 with Sasha Bruce because the contract file was not complete and made the completing of the

DCI impossible. We also did not complete a DCI for contract JA85865 with East of the River because we were told that there was no contract with such a number and that in fact there had been an error and this was an amendment to JA85863.

The fiscal year break-out of the 80 contracts we completed a DCI for follows:

fiscal year 1983 -- 14 contracts
fiscal year 1984 -- 36 contracts
fiscal year 1985 -- 30 contracts

GAO Analysis

We found that of these 80 contracts, only 12 or 15 percent were a result of a request for proposal. The specific break-out follows:

12 Request for Proposals
23 Personal Services sole source contracts
45 Original sole source or renewals

8. GAO has stated that in FY 1985 over $5 million dollars was paid by YSA without sufficient supporting proof. How were those invoices submitted? How could they have been paid without actual proof of the expenses?

The invoices stated the amounts the contractor claimed they expended. They were paid without proof of actual expenses because the former Administrator of YSA stated that she already had too much paper to deal with and did not need more. She made the decision not to require supporting documentation with invoices. At this time, she also started requiring some contracts to have audits done. However, not all contracts were required to have audits, as already stated, only ten contracts had this requirement written into the contract. Furthermore, the audits that were done were not given to the DHS Controller's office for review.

ATTACHMENT I

ATTACHMENT I

[illegible]

[illegible]

MARYLAND STATE DEPARTMENT OF EDUCATION
200 WEST BALTIMORE STREET
BALTIMORE, MARYLAND 21201-2595
(301) 659-2155

August 21, 1985

Mr. Anthony N. Salvemini
Senior Evaluator
Washington Regional Office
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Salvemini:

This is in reference to your letter of August 16, 1985 concerning the status of the special education program for certification at Bowie State College. The master's program in special education at Bowie was removed from the Maryland State approved list at the request of the institution in 1983. This means that graduates cannot proceed through an approved program in special education to become certificated. However, Bowie graduates or any individual who selects courses from accredited institutions may submit those courses for a transcript analysis to meet state certification requirements.

This office has never reviewed the special education program at Cedar Knoll School in Washington, D.C. We would not be authorized to approve a program in the District--only programs in Maryland.

I trust this information clarifies any questions you have about the Cedar Knoll program and the Bowie State College special education program.

Sincerely,

Evelyn DiTosto

Evelyn DiTosto, Chief
Teacher Education and
Certification Branch

ATTACHMENT I

ATTACHMENT I

MARYLAND STATE DEPARTMENT OF EDUCATION
200 WEST BALTIMORE STREET
BALTIMORE, MARYLAND 21201-2595
(301) 659-2155

August 27, 1985

Mr. Anthony N. Salvemini
Senior Evaluator
Washington Regional Office
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Salvemini:

This is in reference to your request concerning the certification of sixteen individuals noted in your letter of August 16, 1985.

Mrs. Nadine Haislip, the office supervisor for our certification records, personally reviewed our records to determine if the individuals were certified in Maryland. According to our records, none of these individuals is certified in Maryland. Also, as I indicated previously, we have not approved a special education program for certification in the District's Cedar Knoll School for juvenile delinquents located in Laurel, Maryland.

Sincerely,

Evelyn DiTosto

Evelyn DiTosto, Chief
Teacher Education and
Certification Branch

EDT:jmw

cc: Ms. Hilary Stephenson

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIFORNIA, CHAIRMAN

WALTER E. FAUNTROY,
DISTRICT OF COLUMBIA
ROMANO L. MAZZOLI, KENTUCKY
FORTNEY H. (PETE) STARK, CALIFORNIA
WILLIAM H. GRAY III, PENNSYLVANIA
MICHAEL D. BARNES, MARYLAND
MERVYN M. DYMALLY, CALIFORNIA
ALAN D. WHEAT, MISSOURI

STEWART B. MC KINNEY, CONNECTICUT
STANFORD E. (STAN) PARRIS, VIRGINIA
THOMAS J. BLILEY, JR., VIRGINIA
LARRY COMBEST, TEXAS

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN GNORSKI, MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, DC 20515

July 2, 1986

Ms. Doris L. Dixon
Legislative Affairs Specialist
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Ms. Dixon:

Enclosed are questions for the U.S. Department of Education, Office of Special Education which would have been asked following an oral statement by your representatives at a June 20, 1986 hearing. That hearing focused on GAO's monitoring of efforts made by the District of Columbia to comply with P.L. 94-142.

Due to various delays, I must ask that written answers to these questions be sent to my office not later than July 21, 1986, and that no requests be made for an extension of time in which to respond or provide any requested documentation.

Thank you for your attention to this matter.

Sincerely yours,

STEWART B. McKINNEY
Ranking Minority Member

From: U.S. Department of Education

RESPONSES TO QUESTIONS FROM MR. MCKINNEY

1. Question:

The GAO recommendations were released in a final report in October, 1985. Why did the U.S. Department of Education take four months to respond to those recommendations in its letter to me in February, 1986?

Response:

The report issued by the General Accounting Office (GAO) entitled Implementation of Public Law 94-142 as it Relates to Handicapped Delinquents in the District of Columbia was transmitted to the Department of Education on February 12, 1986. We responded to your letter as expeditiously as possible after that date.

2. Question:

It has been shown that the Department of Education has been aware that the District of Columbia has not been in compliance with P.L. 94-142 for some time. Why has no technical assistance been offered to the District of Columbia, and most especially in its services to juvenile delinquents?

Response:

Technical assistance has been available to District of Columbia Public Schools (DCPS) during the past several years through the Regional Resource Centers (RRCs) established under Section 621 of the Education of the Handicapped Act, and also from the staff of the Office of Special Education Programs (OSEP) in the Office of Special Education and Rehabilitative Services (OSERS). Technical assistance has in fact been provided to DCPS in several areas. In matters directly related to the correction of deficiencies, it is our practice to offer technical assistance during negotiations on an acceptable corrective action plan. We are still in the process of negotiating the corrective action plan and will continue to make technical assistance available to assist DCPS in implementing any corrective actions agreed upon.

where technical assistance might be helpful. OSEP makes technical assistance available, but does not force it on States or other jurisdictions.

3. Question:

What were the issues covered in a 1983 Program Activity Review of the District of Columbia? What have you done to see that those issues were resolved? Have they been resolved? If not, why not?

Response:

The issues which surfaced during the compliance review of DCPS by OSEP were:

- General Supervision - Specifically, OSEP found that (1) teachers in other agencies did not meet the certification standards of DCPS, (2) that procedural safeguards, including provisions for the appointment of surrogate parents, were not available to handicapped students at Lorton, and (3) that DCPS standards for determining eligibility for special education services were not used in other agency programs.
- Least Restrictive Environment (LRE) - OSEP found that handicapped students in certain categories were placed according to the availability of services and that the degree to which a handicapped child was integrated into the regular school environment depended on the child's age.
- Complaint Management System - OSEP had two concerns: (1) the 20-day limit for requesting review of a State's decision regarding a complaint by the Secretary of the U.S. Department of Education was inconsistent with the Education Department General Administrative Regulations (EDGAR) which does not impose a time limit on filing such request; and (2) the Superintendent's Directive Number 500.1 did not require the resolution of a complaint within 60 calendar days.

On the issue of teacher certification, DCPS has agreed that new special education teachers hired by District agencies will hold a current certification issued by DCPS. In addition, DCPS has reviewed the credentials of teachers currently employed by these agencies and identified those who do not hold a DCPS certification. OSEP will meet with DCPS during the week of August 4, 1986 to inform DCPS that they must submit a plan to ensure that teachers currently employed by these agencies are certified by DCPS.

The Department of Corrections was found in noncompliance for failing to provide adequate procedural safeguards to eligible individuals. DCPS has ordered the Department of Corrections to submit a plan to comply with procedural safeguards requirements, including the appointment of surrogate parents. The Department of Corrections is currently working with its legal counsel to develop an acceptable corrective action plan to resolve this issue.

DCPS has developed and submitted to the Congressional Committee investigating services to juvenille deliniquents within the District its plan for ensuring that DCPS eligibility criteria are used by other agencies. In the plan, DCPS agrees to conduct the eligibility assessments itself, thereby assuring the use of appropriate criteria and procedures. This issue is therefore considered to be resolved.

OSEP has received additional data concerning the assignment of handicapped students by DCPS. OSEP is reviewing this information to determine its adequacy and will present its evaluation in the August meeting with DCPS.

The issue of complaint management was resolved by DCPS through elimination of the 20-day requirement and requiring the resolution of complaints within the 60-day time period.

4. Question:

It has been clearly shown that D.C. is not in compliance with P.L. 94-142. What kind of enforcement power does the Department of Education have over the District of Columbia in order to get them into compliance.

Response:

There are several mechanisms available to the Department to bring about or enforce compliance with P.L. 94-142. These include the following:

- Disapproval of the State's (or other jurisdiction's) three-year State plan.
- Finding the State ineligible to receive funds, either at the time a State plan is submitted for consideration (every three years) or at the time of the annual award of grants.
- Initiating a proceeding to withhold some or all Federal funds, as authorized at 20 U.S.C. §1416.
- Initiating a "cease and desist" action in the Department's Education Appeal Board (EAB).
- Referring the matter to the Department of Justice for the initiation of litigation in Federal court.

The first three enforcement options would likely hurt handicapped children by decreasing both the amounts of money available to educate them and the applicability of Federal statutory protections (once the funds were terminated). The Department therefore expends considerable effort to encourage voluntary corrective action before exercising these enforcement powers.

5. Question:

How much longer will the Department of Education tolerate such non-compliance before some action is taken to enforce compliance?

Response:

The Department does not "tolerate" non-compliance in that the Department agrees that the District must take action to remedy its non-compliance. Our response to question #3 indicates the status of DCPS regarding its compliance actions. If DCPS does not carry out the agreed upon compliance resolution activities, the Department will take additional action to enforce compliance.

6. Question:

It has been said that many States are not in compliance with P.L. 94-142 in the way special education services are provided to juvenile delinquents. How many States are not in compliance in this way?

What is the total amount funded to States not complying with P.L. 94-142 in the special education services provided to delinquents?

Response:

In FY 1986, OSEP monitored twenty states. OSEP's preliminary analysis suggests that, of these, two States are in noncompliance regarding the delivery of services to juvenile delinquents. The total FY 1986 allocation to these two states is $16,500,752.

7. Question:

Has the Department of Education cut off funds to any States that are not in compliance? How many States are not in compliance in other areas of implementation of P.L. 94-142 but get funds anyway?

Response:

No State has had its Federal funding terminated because of a failure to comply with P.L. 94-142. Of the 20 states monitored this year, our preliminary analysis shows that all States have some compliance problems. It is our intent to have these states develop and implement corrective action plans which are satisfactory to OSEP.

Formal monitoring reports now being prepared indicate all areas of noncompliance found, as well as a fairly detailed description of the corrective actions necessary. The Department does not, however, take steps to cut off funds unless a State is unwilling to take the corrective actions that the Department finds necessary to bring the State into compliance. If the State does not do this, OSERS will take appropriate enforcement actions.

8. Question:

It is understood that shortly before the committee's hearing on this matter in September, 1985 the Department of Education put out an RFP for technical assistance to be provided to a number of states and territories that were not in compliance with P.L. 94-142, and that the District of Columbia was one of those designated bodies. It is also understood that shortly after those hearings, that RFP was cancelled. GAO has told us that just a few weeks before this committee's latest hearing on this same matter, dated June 20, 1986, a similar RFP for technical assistance was sent out. Can you explain this? Can we expect that some technical assistance will be provided to the District of Columbia and all other states and territories needing such help to comply with P.L. 94-142?

Response:

The Request for Proposals (RFP 86-007, entitled "Technical Assistance to State Education Agencies in the Development of Operational Standards for the Policies and Procedures Contained in Fiscal Year 1987-89 State Plan under Part B of the Education of the Handicapped Act") was cancelled in the spring of 1986 because we determined that the assistance could be provided through existing Regional Resource Centers (RRCs). An RRC contract modification request was issued in May, 1986. It is anticipated that contract modification will be made on September 1, 1986. Thus, additional technical assistance will be provided to the District of Columbia and other States and territories in the area of policy and procedure development. Again, we must point out that technical assistance on compliance issues is currently available to the District through the existing RRC and OSEP staff.

9. Question:

What assurance can the Department of Education give that the RFP for technical assistance will not be cancelled once again?

Response:

The contract modification for providing additional technical assistance to States is on schedule at this time. We except that the award will be made before the end of this year. However, it should be noted that this award represents only a small increase to the technical assistance already availble to the States.

10. Question:

If the Department of Education, Office of Special Education can't enforce compliance with P.L. 94-142, and it continues to fund those states that are not in compliance with the law, and we have heard proof that technical assistance is not being provided even when the Department knows that some states and territories need such help, then what is the actual function of the Office of Special Education? Please provide an explanation of its stated purpose along with a comparison of what it is actually able to do.

Response:

The Office of Special Education Programs (OSEP) of the Department of Education is empowered to enforce compliance with P.L. 94-142 through a variety of formal administrative and judicial mechanisms. (See response to question four). These mechanisms have recently been reinforced through the promulgation of regulations setting forth procedures by which State plans -- and therefore State applications for Federal funds -- are to be disapproved. The Department will not provide funds where noncompliance is found if corrective action is not forthcoming. Conversely, the Department will not terminate funds if a State found in noncompliance agrees to develop and implement appropriate corrective actions.

The Department is also not aware that any request for technical assistance has gone unanswered by either the RRCs or OSEP itself. The nature and purpose of technical assistance, however, are distinct from the nature and purpose of monitoring and compliance activities. Technical assistance is available at the option of the States, territories, and localities. It is there for those who seek it. Monitoring and compliance activities on the other hand, are the Department's response to its obligation to ensure the availability of a free appropriate public education to all handicapped children. The Department and its Office of Special Education Programs is carrying out its responsibility in this respect.

11. Question:

Given the length of time in which the teacher certification problem has existed (over three years) and given the inadequate response to OSERS' requirements, what does OSERS or the Department of Education plan to do in order to obtain full compliance with P.L. 94-142 on the issue of teacher certification?

Response:

As stated in the response to question #3, DCPS has agreed that new special education teachers hired by District agencies will hold a current certification issued by DCPS. In addition, DCPS has reviewed the credentials of teachers currently employed by these agencies and identified those who do not hold a DCPS certification. OSEP will meet with DCPS during the week of August 4, 1986 to inform DCPS that they must submit a plan to ensure that teachers currently employed by these agencies are certified by DCPS.

12. Question:

In Secretary Bennett's April 29, 1986 letter to me, he stated the DCPS must submit a plan which shows how it will ensure that students currently served in facilities operated by the D.C. Department of Human Services are screened and that eligible students are identified and receive special education and related services. The plan submitted by DCPS to OSERS by letter dated April 22, 1986, indicates that DCPS was reviewing whether the criteria and procedures for determining eligibility of suspected handicapped children at Oak Hill and the Receiving Home were being complied with. In addition, DCPS indicated that it had the responsibility to conduct certain assessments determining eligibility and writing IEP's. However, DCPS further stated that "initiation of this responsibility is contingent upon the transfer of appropriate funds into the D.C Public Schools Budget".

In view of the open-ended response of DCPS and the fact that in the meantime the inability to "initiate" its responsibilities means that handicapped children will not receive special education and related services required under law, what further action does OSERS or the Department of Education plan?

Response:

In documents submitted to Congress in response to the GAO report and shared with the Department, the District stated, without contingency or qualification, that DCPS will perform the assessments referred to in this question. In a telephone conversation with DCPS, OSEP was informed that the necessary funds had been transferred between the involved agencies. Thus, the Department does not currently intend to take further action in this area.

13. Question:

It is understood that there are inherent problems with providing uniform special education services to handicapped children who are physically outside the public school system, and the problems existing in the District of Columbia, namely a lack of special education and related services being provided to children at Oak Hill, the Receiving Home and Cedar Knoll have existed for at least three years. During that three year period, has the Department of Education continued to approve the District of Columbia's State plan and therefore continued to fund the District of Columbia, knowing that certain serious problems existed. Doesn't the Department of Education have more effective means to obtain compliance such as the disapproval of a State plan and the denial of further funding until the serious violations have been corrected?

Response:

The Department can take the actions described in response to question #4 to enforce implementation of corrective actions. OSEP has found that states will agree to develop and implement corrective action plans making more serious sanctions unnecessary. Again, if the Department is unable to obtain voluntary corrective action, it will use other means at its disposal to achieve compliance.

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIFORNIA, CHAIRMAN

WALTER E. FAUNTROY, DISTRICT OF COLUMBIA
ROMANO L. MAZZOLI, KENTUCKY
FORTNEY H. (PETE) STARK, CALIFORNIA
WILLIAM H. GRAY III, PENNSYLVANIA
MICHAEL D. BARNES, MARYLAND
MERVYN M. DYMALLY, CALIFORNIA
ALAN D. WHEAT, MISSOURI

STEWART B. MC KINNEY, CONNECTICUT
STANFORD E. (STAN) PARRIS, VIRGINIA
THOMAS J. BLILEY, JR., VIRGINIA
LARRY COMBEST, TEXAS

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN GNORSKI, MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, DC 20515

July 2, 1986

Dr. Floretta Dukes McKenzie
Superintendent of Schools
Chief State School Officer
District of Columbia Schools
Presidential Bldg.
418 12th Street, N.W.
Washington, D.C. 20004

Dear Dr. McKenzie:

Enclosed are several questions for written response to be included in the Committee's final report on the City's efforts to comply with P.L. 94-142.

As you know, I had hoped to have this matter resolved sometime ago, and therefore I must ask that your responses to these questions be submitted to my office not later than July 21, 1986.

Once again, thank you for your assistance in resolving this problem for handicapped juveniles and for your attention to this request.

Sincerely yours,

STEWART B. McKINNEY
Ranking Minority Member

1. AS THE STATE EDUCATIONAL AGENCY, WHAT ARE YOU DOING TO BE SURE THAT ALL THE TEACHERS AT OAK HILL, CEDAR KNOLL, AND THE RECEIVING HOME ARE CERTIFIED TO TEACH BY THE D.C. PUBLIC SCHOOLS?

As a part of our State Compliance Monitoring, we are reviewing the teacher certification of all special education teachers at Oak Hill, Cedar Knoll, and the Receiving Home when a site-visit is made. Beyond that, each September we will be requesting these facilities to submit a current directory of all of their teachers along with copies of certifications for all teachers hired during the previous year.

Upon receipt of applications for Professional Certification from teachers at the Oak Hill, Cedar Knoll or the Receiving Home, the Department of Certification and Accreditation evaluates the credentials and issues a letter of eligibility.

2. PLEASE EXPLAIN THE DIFFERENCES BETWEEN TEACHER CERTIFICATION MADE BY THE D.C. PUBLIC SCHOOLS AND THE TEACHER CERTIFICATION MADE BY THE D.C. OFFICE OF PERSONNEL?

   Teacher certification made by the D.C. Public Schools is in accordance with the licenses as approved by the Board of Education as stated in Title 5 of the District of Columbia Municipal Regulations. Additionally, these licenses meet the requirements of the National Association of State Directors for Teacher Education and Certification (NASDTEC) standards.

   Teacher certification made by the D.C. Office of Personnel is in accordance with the X-118 Qualification Standards.

3. IS IT TRUE THAT THE D.C. OFFICE OF PERSONNEL REQUIRES D.C. PUBLIC SCHOOL CERTIFICATION OF TEACHERS BEFORE IT WILL ISSUE ITS OWN CERTIFICATION?

A review of a Position Vacancy Announcement issued by the D.C. Personnel Office indicates the following:

> "To be considered for this position all applicants must submit a copy of their degree and current teaching certificate."

This statement supports the communication from the Director of D.C. Personnel to the Department of Personnel Certification and Accreditation (D.C.P.S.) that applicants are required to submit copies of current teaching certificates issued by D.C. Public Schools.

4. WHEN THE YOUTH SERVICES ADMINISTRATION SAYS ITS TEACHERS ARE CERTIFIED, DO YOU CHECK INTO THE D.C. PUBLIC SCHOOL CERTIFICATION RECORDS TO VERIFY THAT CLAIM?

Yes. We conduct a search of our files to verify that record of appropriate certification is on file.

The Department of Certification and Accreditation upon receipt of request from the Youth Services Administration regarding the eligibility of specified staff/teachers will search our records and forward the findings.

5. LAST SEPTEMBER GAO REPORTED THAT 63 RECORDS FOR YOUNGSTERS HAD BEEN LOST BY THE PUBLIC SCHOOLS. DR. McKENZIE ASKED TO REPORT BACK TO THE COMMITTEE ON THEM, BUT WE HAVE NOT RECEIVED ANY REPORTS. HAVE THOSE 63 FILES BEEN LOCATED?

In regard to sixty-three (63) records of students, cited in the report as being lost, this is to advise that thirty-nine (39) of these records have been located. To date, we have been unable to locate twenty-four (24) records.

6. LAST SEPTEMBER, WE ALSO HEARD THAT CHANGES WERE ABOUT TO BE MADE AT THE LOGAN CHILD GUIDANCE CENTER. DR. McKENZIE SAID THAT WITHIN 30 DAYS MORE STAFF WOULD BE ASSIGNED THERE, AND THAT WITHIN 120 DAYS THERE WOULD BE A PLAN TO COMPLETELY OVERHAUL ITS OPERATION TO GET INTO COMPLIANCE WITH THE MILLS DECREE. YET WE HEARD FROM GAO DURING THE HEARING ON JUNE 20, 1986 THAT THE DELAYS IN EVALUATING CHILDREN AT LOGAN ARE EVEN WORSE THAN WHEN IT REPORTED TO THE COMMITTEE IN SEPTEMBER, 1985 WHY IS THAT?

WERE MORE STAFF ASSIGNED TO LOGAN AFTER SEPTEMBER, 1985? WAS THE PLAN TO OVERHAUL THE LOGAN OPERATION EVER COMPLETED? IF SO, PLEASE ATTACH A COPY OF THAT PLAN.

Since September, 1985 the number of staff persons available at the Child Study Center has increased by 20%, primarily through the filling of vacant positions. There was also some temporary increase in staff resources from the use of staff otherwise assigned.

A comprehensive management study which included the Child Study Center has been completed and a plan to implement study recommendations is nearing completion. While the study was being conducted, a number of changes were made in the operations and management of the Center. Those changes include improved automation of record keeping, staffing adjustments to process peak case loads at strategic processing stages, increased frequency and participation in case conferences, refinement of job responsibilities and expectations, and increased use of interim programs for students new to the school system who have current individualized educational programs (I.E.P.'s) from their previous school district.

We are aware that G.A.O. reported that the delays in evaluating students at the Logan Center had not improved. We note, however, that the Center Director reports that the average number of new cases (i.e., students new to D.C.P.S. special education) which exceeded the Mills timelines for completion has decreased by 50% over the last school year.

7. THE JUDGE IN MILLS GAVE THE SCHOOLS THE POWER TO GO BACK TO THE COURT TO ASK FOR HELP IN RESOLVING ANY INTERAGENCY DISPUTES THAT WERE STANDING IN THE WAY OF COMPLYING WITH THE DECREE. IN THE SEPTEMBER HEARING IT WAS STATED BY DR. MCKENZIE THAT THE REASON FOR FAILURE TO FULLY IMPLEMENT P.L. 94-142 WAS BECAUSE OF INTERAGENCY PROBLEMS. HAS THE PUBLIC SCHOOLS ASKED THE COURT'S HELP IN RESOLVING THOSE PROBLEMS SINCE THE SEPTEMBER, 1985 HEARING?

It is a misstatement to assert that Dr. McKenzie stated in the September hearing that "the reason for failure to fully implement P.L. 94-142 was because of inter-agency problems." While the Superintendent did suggest in her testimony that it is unrealistic to expect the Board of Education, one autonomous branch of the District government, to exercise direct enforcement authority over the Department of Human Services ("DHS"), another branch of the D.C. government headed by the Mayor, she then went on to "set forth concrete examples of the positive and continuing inter-agency cooperation between DHS and DCPS, intended to improve the delivery of special education services." She further asserted that "to assume that there is lack of such cooperation would be incorrect." In light of this continuing inter-agency cooperation, as evidenced by the agencies' recently-culminated Corrective Action Plan, the School System has seen no need to ask the Court's help in resolving problems related to implementation of P.L. 94-142 since the September, 1985 hearing.

8. WE HAVE HEARD FROM ATTORNEYS FOR THE PLAINTIFFS IN MILLS THAT THE 1980 FINDING OF CONTEMPT OF COURT HAS NOT BEEN LIFTED. WHAT ARE THE PLANS TO GET LOGAN INTO COMPLIANCE WITH MILLS DECREE, AND TO GET THAT CONTEMPT FINDING LIFTED?

We have taken a two-pronged approach to seeing that Logan is in compliance with the Mills decree and that, concomitantly, the contempt order is lifted. First, on the legal front, as long ago as 1980, the District of Columbia and the Board of Education requested the Court both to modify what we believe to be the unrealistic Mills timelines and to vacate its contempt order, based on our numerous good faith efforts toward improving our provision of special education services. The Court has chosen not to act on either of these requests. Second, on the educational front, the School System is moving toward the use of 12-month staff at the Child Study Center, an approach designed to increase our capacity for timely special education assessments and placements.

9. IS THE INTERAGENCY CORRECTIVE ACTION PLAN STRONG ENOUGH TO OVERCOME THE INTERAGENCY PROBLEMS THAT HAVE HISTORICALLY PREVENTED FULL COMPLIANCE WITH THE MILLS DECREE AND WITH P.L. 94-142? WILL THE PUBLIC SCHOOLS USE THE POWER GIVEN TO IT TO SEEK HELP FROM THE COURT IN IMPLEMENTING THE INTERAGENCY CORRECTIVE ACTION PLAN, SHOULD THERE BE ANY DELAYS IN ITS IMPLEMENTATION?

We believe that the Inter-agency Corrective Action Plan ("Plan") is strong enough to overcome the problems we have encountered in complying with the Mills decree and P.L. 94-142 in relation to special education for incarcerated youth.

In light of the history of inter-agency cooperation between DCPS and DHS, alluded to in Number 7 above, the School System believes that any delays in the implementation of the Plan can be overcome through inter-agency communication and coordination. Consequently, the School System will look to the Court only as a last resort for help in implementing this Plan. We will first seek such aid from our fellow agencies.

10. HAS THE PUBLIC SCHOOLS PREPARED INTERNAL PROCEDURES FOR MONITORING THE EXCHANGE OF RECORDS BETWEEN THE SCHOOLS, THE COURT, AND THE DEPARTMENT OF HUMAN SERVICES, AND FOR ENSURING THAT IT IS TAKING PLACE?

PLEASE EXPLAIN HOW SUCH MONITORING WILL WORK.

The D.C. Schools is working closely with liaisons from DHS and the juvenile court system in designing procedures for the exchange of records. Included in the design of the procedures will be a consideration of an automated tracking system that will allow for the monitoring of the status of clients among respective agencies.

NINETY-NINTH CONGRESS

RONALD V. DELLUMS, CALIFORNIA, CHAIRMAN

WALTER E. FAUNTROY, DISTRICT OF COLUMBIA
ROMANO L. MAZZOLI, KENTUCKY
FORTNEY H. (PETE) STARK, CALIFORNIA
WILLIAM H. GRAY III, PENNSYLVANIA
MICHAEL D. BARNES, MARYLAND
MERVYN M. DYMALLY, CALIFORNIA
ALAN D. WHEAT, MISSOURI

STEWART B. MC KINNEY, CONNECTICUT
STANFORD E. (STAN) PARRIS, VIRGINIA
THOMAS J. BLILEY, JR., VIRGINIA
LARRY COMBEST, TEXAS

EDWARD C. SYLVESTER, JR., STAFF DIRECTOR
JOHN [illegible], MINORITY STAFF DIRECTOR

TELEPHONE 225-4457

U.S. House of Representatives
Committee on the District of Columbia
ESTABLISHED 27 JANUARY 1808
Room 1310, Longworth House Office Building
Washington, DC 20515

July 2, 1986

Mr. Thomas Downs
Deputy Mayor for Operations
District of Columbia Government
District Building
1350 Pennsylvania Avenue, N.W.
Washington,D.C. 20004

Dear Mr. Downs:

Enclosed are questions which follow-up on the City's statements and oral presentations at a hearing on June 20, 1986 on the progress made toward implementing P.L. 94-142 by the District of Columbia.

Please note that all responses to questions relevant to the contracts and payroll matters should pertain to the GAO audit time period for YSA contracts funded in fiscal years 1984 and 1985. Much information provided by the Department of Human Services at the hearing was misleading in that figures presented were for fiscal years 1985 and 1986. This gave the impression of an irresponsible accounting for what in fact took place within DHS and YSA during the actual audit period of 1984 and 1985. Several of the following questions are asked in order to clear up the confusion created by offering unrelated figures. Other questions may ask for information for other periods of time, but those dates will be clearly shown.

Answers to the enclosed questions are due in my office on July 21, 1986. As you know, I had made a commitment after last September's hearings to have this information completed well before this time. Due to many delays that schedule is very much behind, therefore I ask that no requests for extensions of time be made to answer these questions or to supply the requested documentation.

My staff is in process of refining my request for quarterly reports on the City's progress with complying with P.L. 94-142 and the GAO recommendations. The request for those reports, a list of due dates, and documentation to prove progress and compliance will be sent to you shortly.

Sincerely yours,

STEWART B. McKINNEY
Ranking Minority Member

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE

OFFICE OF THE CITY ADMINISTRATOR

1350 E STREET, N.W. ROOM 507
WASHINGTON, D.C. 20004

August 22, 1986

Congressman Stewart B. McKinney
Ranking Minority Member
U.S. House of Representatives
Committee on the District of
  Columbia
Longworth House Office Building
Room 1310
Washington, D.C. 20515

Dear Congressman McKinney:

Per your letter dated July 1, 1986, enclosed please find the information you requested as a result of the hearing on June 20, 1986. Please feel free to contact me if you have any questions pertaining to this information.

Sincerely,

Thomas M. Downs, City Administrator/
  Deputy Mayor for Operations

1. In response to a question concerning the 1980 finding that the Mayor, the public schools and the Department of Human Services were in contempt of court for violating the terms of the Mills decree, Mr. Downs stated that the finding of contempt had been lifted. Please provide verification and the date on which that contempt finding was lifted.

   The defendants in the case filed a document asking that this contempt order be vacated on July 7, 1980. The Court, however, has not acted on this request.

2. Counsel for the plaintiffs in the Mills case say that the 1980 finding of contempt has not been lifted, and GAO has found a long history of failure to comply with P.L. 94-142. Although the May 30, 1986 Inter-agency Agreement addresses all recommendations for compliance suggested by GAO, that plan developed by the city does not carry the power of the court or the weight of federal law. Because the city has chosen to ignore the orders of both, please provide some timetable for implementation that will assure full compliance with the inter-agency plan.

   D.C. Public Schools, the Department of Human Services, and the D.C. Superior Court are all making preparations necessary to enable them to assume all of the responsibilities assigned to each party in the Inter-agency Agreement by September 1, 1986.

3. Congressman Fauntroy asked how the city intended to make the September, 1986 target date for completion of the Inter-agency Agreement. Although Mr. Downs described the plan's response to each of GAO's recommendations, the answer did not provide information on how the target date would be reached. Please explain how the September 30, 1986 target date will be met.

   The Inter-agency Agreement was completed and signed by the heads of all agencies party to the agreement on May 29, 1986. As stated above, all three parties are taking those actions necessary to allow for the plan to become effective September 1, 1986.

4. In response to that same question, Mr. Downs stated that half of the seven corrective action steps had already taken place. Please list those steps and the dates on which they were implemented and placed in full operation.

   GAO recommendations that have been acted upon:

   a. Transfer to the D.C. Public Schools the responsibility for testing suspected handicapped delinquents and preparing all necessary Individual Education Plans (IEP).

      The "Transfer of Responsibility for Testing and IEP Development from YSA to D.C. Public Schools" was signed in May, 1986, to become effective September 1, 1986.

b. Designate a YSA liaison responsible for notifying the public schools that YSA is releasing a delinquent who will be returning to school.

> The "Memorandum of Agreement Regarding the Exchange of Information between the Public Schools, the Department of Human Services and the Superior Court of the District of Columbia" was signed in May, 1986, to become effective September 1, 1986. This agreement designates a liaison representing each organization along with his/her responsibilities.

c. Develop written procedures and establish specific criteria fof forwarding information to the court and the public schools, once notified by the court that a juvenile is being detained or has re-entered the school system.

> The above mentioned agreement signed May, 1986 to become effective September 1, 1986, includes the specific procedures and criteria for forwarding information to the courts and the public schools.

d. Emphasize the need to follow DCPS policies, procedures, and standards for special education, including standards for teacher certification and class size.

> The Inter-agency Agreement includes DCPS policies, procedures and standards for special education, including class size. Job announcements for Special Education Teachers have been posted. One of the criteria for these positions is certification by DCPS Division of Special Education.

e. Provide all educational and related services which are required by a delinquent's IEP, and notify the public schools of the required services that YSA cannot provide.

> Special education staff hired during the spring of 1985 will continue special education programs and services at the Receiving Home for Children. Efforts are underway to identify and hire special education teachers for the summer at Oak Hill. Through signed agreements, DCPS will provide all educational and related services for residents at the Receiving Home for Children, effective September 1, 1986. Through certified staff and contractual agreements, YSA will provide educational and related services to Oak Hill and Cedar Knoll residents. In the event of YSA's inability to provide a required service, YSA will notify DCPS and request services through the LEA (local educational agency).

f. Establish a special education program for handicapped delinquents at Oak Hill, Cedar Knoll, and the Receiving Home for Children, and form classes based on academic level.

Special education programs are currently being provided for residents of the Receiving Home for Children, Oak Hill and Cedar Knoll (now Oak Hill Annex), all of which will be subject to modification to comply with the recently signed consent decree in Jerry M. v. District of Columbia, et. al. The decree calls for full compliance with the special education program, as designed by Martin Gerry, by September 1, 1987.

g. Evaluate follow-up services provided to delinquents after release from YSA custody and correct any administrative, management, and procedural problems identified.

Follow-up services, such as Aftercare Planning, begin on the date of commitment. Aftercare workers, now with the support of the Inter-agency Agreement, will implement pre-release and follow-up services to delinquents after release from YSA custody. In addition, the records transfer liaison persons are active participants in the follow-up process.

5. In her oral statement Commissioner Rowe referred to a new substance abuse class for committed and detained children, which will be expanded to include services to their families. Please provide more information on those classes.

Who are the counselors?
What are their qualifications?
How many times per week does the child receive drug counseling?
What methods of drug counseling and treatment are used?
How long is each session?
How many youngsters are in each session?
How will the program's success be evaluated?

Six counselors from the Department of Human Services' Alcohol and Drug Abuse Services Administration are currently holding substance abuse classes at Oak Hill. All six counselors are trained in the area of drug and alcohol abuse and have "hands-on-experience" in substance abuse and crisis oriented counseling. The drug abuse program primarily employs two types of counseling methods: individual and group. However, educational, preventive, as well as intervention techniques are used to supplement counseling efforts. Depending on the severity of the problem, youth may receive counseling from one to three times per week. Youth that are ordered by the court to receive drug counseling attend sessions twice a week. Parent group sessions are held once a week. There are approximately 13 youth in each group session which may last from 45 minutes to one hour. To determine program success, YSA will rely on urine testing by YSA, progress reports from the Pre-Release House and recidivism due to drug-related charges.

6. Commissioner Rowe also referred to a drug surveillance program, apparently directed at the residents of Oak Hill, Cedar Knoll and the Receiving Home. It is known that employees of YSA have recently pled guilty to selling narcotics, that a package of drugs was delivered to a staff member inside Oak Hill, and that rumors of YSA employees selling drugs to juveniles have persisted for years. Is there a surveillance program for the staff of YSA to ensure they are not bringing drugs for sale to the juveniles? Is there a drug program for those staff members known to be drug and alcohol abusers?

   YSA staff are searched upon entrance to youth facilities. New recruits seeking employment with YSA must now undergo a urinalysis test as a pre-employment requirement. Staff suspected of drug and alcohol abuse are referred to the Employee Consultation and Counseling Service, the Department's program which provides services to employees.

7. How does teacher certification by the D.C. Office of Personnel differ from the teacher certification done by the D.C. Public Schools? Isn't it true that the Office of Personnel requires Public School certification for teachers before it will give certification?

   The D.C. Office of Personnel teacher certification process is basically the same as that of D.C. Public Schools. Appointees to Career Service teacher positions must not only meet the qualification standards specified in the Federal Government X-118 Qualification Standards Handbook but they must also meet the DCPS Educational Service Certification requirements and hold current DCPS teacher certifications. It should be noted that the current process has been in effect for the last two years and there are some teachers currently on board who do not hold DCPS teacher certification.

8. What will happen to a YSA teacher who is denied certification by the D.C. Public Schools?

   YSA teachers who are denied certification by the D.C. Public Schools will be provided with and encouraged to take required corrective course work according to his/her deficiencies as identified by the DCPS Board of Certification Determinations. YSA will pay for any additional costs to obtain such certification, including tuition costs.

9. In response to questioning, Mr. Downs stated that the 60 new positions at YSA are "permanent". It is understood those 60 positions were advertised as "not-to-exceed 13 months". Please provide documentation that these positions are in fact permanent. Have these positions been approved as part of the budget for FY 1987-1988? And if so, please provide documentation of that fact.

The 60 new employees, referred to by Mr. Downs, are currently in "term" or "not-to-exceed" positions. However, such positions may be renewed up to four years. YSA fully intends to keep these positions on board on a full-time basis. The FY 1988 budget submission, which will be subject to Council and Congressional approval, will contain a request to convert them to continuing full-time positions.

10. It was stated that the accuracy of resumes submitted by contractors will be checked. Who will have the responsibility for doing this? How will it be done?

There is being established in the DHS Office of the General Counsel a Quality Assurance Unit which will review contracts prior to presentation to the Contract Review Committee (CRC) and prior to execution of the final contract. One of the responsibilities of this Unit prior to presentation of contracts to CRC will be to assure that resumes submitted by contractors are accurate.

11. Provide, as requested during the course of the hearing on June 20, 1986, information on the operating costs, staffing levels, and overtime costs for Cedar Knoll, Oak Hill and the Receiving Home, along with resident population figures, by month, for FY 1984, 1985, and 1986 to date.

See Attachments 1 through 4.

12. Provide, as requested during the course of the hearing on June 20, 1986, information on all disciplinary action recommended taken against staff at Oak Hill, Cedar Knoll, and the Receiving Home for any infraction of laws or agency rules, policies or regulations, along with the actual disciplinary action taken, for FY 1984, 1985 and 1986 to date.

Thirty disciplinary actions have been recommended and/or taken against YSA institutional staff from FY 1984 to date. Of the 30, five actions have been cancelled; 18 actions have been closed-out; one resignation has been accepted; three actions have had no decision rendered; and three were returned to management with no subsequent action taken. (See Attachment 5).

13. Commissioner Rowe referred to planned changes at the Receiving Home which would change its operation into a diagnostic and clinical center for youth. Such plans were announced shortly after the planned closing of Cedar Knoll was also announced, yet to date those plans have not been implemented. When will these changes be made?

The recently signed Jerry M. Consent Decree mandates that a diagnostic unit within YSA be operational by February 1, 1987, and staff are currently taking the necessary actions to develop a diagnostic program. The decree mandates the assessment, educational and staffing requirements of the diagnostic unit.

14. Commissioner Rowe stated that contract administrators and monitors have monitored contracted programs since 1983, and later stated that this same monitoring unit does not do direct monitoring for certain services, such as assessments. GAO has said that in the community services program, the monitors do not have copies of the contracts and are therefore unable to monitor actual services against the contractual agreement. Why is it that assessment services and all services are not monitored closely by these contract monitoring teams?

The Monitoring and Technical Assistance Unit in YSA has been monitoring contractor performance since 1983. We are reviewing the tools they have at their disposal and the manner in which they are executing this function. We expect to install more stringent monitoring standards by September 1, 1986.

15. Commissioner Rowe stated that the decision to privatize services in YSA was based in part on the inability to obtain top qualified services. What is being done to ensure that the staff of YSA contractors are qualified and that the services they provide are of sufficient quality?

As mentioned above, the Quality Assurance Unit within the DHS Office of the General Counsel will be responsible for ensuring that staff of YSA contractors are qualified. The Monitoring and Technical Assistance Unit within YSA will be responsible for ensuring that quality services are being provided to YSA youth. YSA has also expanded their recruitment efforts to enhance overall staffing within the administration.

16. In its responses to questions during the June 20, 1986 hearing, city officials appeared confused as to the period of time audited by GAO. The GAO recommendations call for an independent audit of contracts paid in FY 1984 and 1985. In his statement, Mr. Downs agreed with the GAO recommendation for the contract period of FY 1985-86. Is the city willing to arrange for an independent audit of the contracts paid for during the fiscal years 1984 and 1985, as the GAO recommendation states?

The District will amend its current contract with the auditing firm of Coopers and Lybrand, Inc. to include an independent audit of FY 1984 through FY 1986 YSA contracts. DHS Director David E. Rivers will request funding for the additional audit services.

17. Does the Inter-agency Agreement plan include internal procedures for monitoring the exchange of records between the public schools, the court, and the Department of Human Services, and for ensuring that the exchange is actually taking place?

The Inter-agency Agreement does include internal procedures for monitoring the exchange of records between the public schools, the courts, the Department of Human Services and for ensuring that the exchange is actually taking place.

18. How often will the agencies' compliance with the Inter-agency Agreement be evaluated, and by whom?

The agencies' compliance with the Inter-agency Agreement will be evaluated on a quarterly basis in accordance with the following schedule: the second Wednesday in January, April, July and September. The following officers have been designated as agency liaison for the implementation of the Inter-agency Agreement:

District of Columbia Public Schools
Dr. Doris A. Woodson
10th & H Streets N.W.
Washington, D.C. 20001

D.C. Superior Court
Mr. Robert C. Hilson
Deputy Director
Social Services Division
409 E Street N.W.
Washington, D.C. 20001

Department of Human Services
Mr. Lawrence Manning
Educational Administrator
Youth Services Administration
1000 Mt. Olivet Road N.E.
Washington, D.C. 20002

This agreement shall be reviewed on December 31, 1987 by designees of the three agencies and modified based on analyses of quarterly reports and input from the liaisons.

19. The Mills decree gives the D.C. Public Schools the authority to seek the court's help in resolving inter-agency disputes and problems in complying with the decree. Considering that three months passed between the final draft of the Inter-agency Agreement and when it was signed on May 30, 1986, is it realistic to assume that all inter-agency conflicts have been resolved? Will the D.C. Public Schools have the authority to ask for and expect cooperation in complying with Mills, P.L. 94-142, and the Inter-agency Agreement?

The parties involved in the Mills decree and the implementation of P.L. 94-142 are all determined to cooperate with each other to provide for the best possible services to youth in the juvenile system. D.C. Public Schools can expect cooperation in complying with all inter-agency plans and agreements.

20. Please define "Competitive Bidding Process".

As defined by the "District of Columbia Procurement Practices Act of 1985", competitive bidding means the offer of prices by individuals or firms competing for a contract, privilege or right to supply specified services or materials. For negotiated contracts, the

Department of Human Services uses Competitive Sealed Proposals (CSPs). The Procurement Practices Act defines CSPs as the process which includes the submission of sealed written technical and price proposals from two or more sources and a written evaluation of each proposal in accordance with evaluation criteria which consider price, quality of the items, performance, and other relevant factors.

21. Wouldn't renewals of contracts having been awarded through the competitive bidding process be considered "sole source" when a solicitation for other proposals is not made?

    No, the general provisions of District contracts allow for renewals of initial contracts, subject to the availability of appropriated funds; and provide that each renewal shall be for a period not in excess of one year. A renewal is defined as an extention of a contract when the same obligation is carried forward by a new contract.

22. Is there a regulation that says an RFP cannot be issued for a personal services contract? What about contracts for clerical services?

    There is no regulation that precludes RFPs for personal services or clerical services.

23. In his oral presentation, DHS Director Rivers stated that GAO must have included professional services contracts in the category with negotiated services contracts, and referred to 30 negotiated services contracts for Fiscal Year 1985. How many of those 30 contracts for Fiscal Year 1985 include professional service contracts? Please provide a list of the Fiscal Year 1985 YSA contracts giving the contractor name, contract number, whether it was awarded competively or as sole source, and whether the contract was a renewal.

    In FY 1985 a total of 42 YSA contracts were awarded by the Department. Of this number, 12 were professional service contracts and the remaining 30 were negotiated services. Attachments 6 and 7 provide a listing of FY 1985 YSA contracts, including the name of the contractor, the contract number and whether it was competitive or sole source.

24. In his oral statement, DHS Director Rivers stated that GAO's figures were incorrect concerning negotiated services contracts, as well as the figures for sole source selection. The figures Mr. Rivers provided, however, were for fiscal years 1985 and 1986, and GAO's audit was for contracts funded in fiscal years 1984 and 1985. Please provide similar figures for contracts funded in fiscal years 1984 and 1985 in order to make an accurate comparison.

    Attachment 8 provides information on professional and negotiated services contracts for FY 1984. Attachments 6 and 7 provide information on professional and negotiated services contracts for FY 1985.

25. In response to questions concerning contract payments, DHS Director Rivers stated that an Automatic Payment Schedule had been set up to ensure that contractors received timely payments, and that these payments were reconciled with proper documentation on a quarterly basis. Please explain what kind of approval was given to establish an Automatic Payment Schedule for contracts that had not been signed or approved until one month to two weeks prior to the expiration of the fiscal year, and the contract completion date (referring to fiscal years 1984 and 1985).

The DHS, Office of the Controller (OC), will place a contractor on the Automatic Payment Schedule within the Financial Management System (FMS) in response to a request from a Department Administrator. Such requests are usually initiated by the Contract Administrator, provided that:

a. An approved/signed contract document is on file with OC; or

b. An approved/signed Determination of Findings is on file with OC; or

c. An approved/signed Letter of Contract is on file with OC.

If none of the above exist or are on file, the OC Contract Unit will not enter a contract in the FMS for automatic payment. In all cases, prior budgetary approval must be obtained and the necessary budget authorization must be in place within FMS before any obligating document will be accepted by the FMS.

26. How many of the 80 contracts for fiscal years 1984 and 1985 were on the Automatic Payment Schedule and actually received payments? How is such payment documented? Please provide a sample of payment documentation.

In fiscal years 1984 and 1985, there were 29 contracts paid on the Automatic Payment System. A schedule of automatic payments is established to generate payments and actual vendor invoices are reconciled against the payments. The vendor's invoices are attached to a voucher, FMS Form 430, which has been authorized by the Contract Administrator.

See Attachments:	#9	Copy of a Multiple Schedule Payment
	#10	Copy of FMS Form 430, Voucher
	#11	Copy of Vendor's Invoice
	#12	Copy of OC Automatic Payment System Description

27. Please explain how the automatic payments were reconciled on a quarterly basis with documentation when it has been shown that for fiscal years 1984 and 1985 no documentation was supplied by the majority of contractors.

The Office of the Controller, on a quarterly basis, reconciles the monthly Automatic Payment System payment to a monthly invoice submitted by the contractor. The contractor's invoice is signed by the contractor and accompanied by a voucher, FMS Form 430, that is signed by the Contract Administrator verifying that "services were performed". The Contract Administrator certifies to OC that the attached invoice is reflective of the services provided and OC compares the automatic payment amount to the actual payment made. A copy of the OC standard reconciliation schedule is attached. (See Attachment 13). To avoid overpayment adjustments, no more than 80 percent of the contract amount is entered in the Automatic Payment System. Adjustments to payments are determined by the quarterly reconciliations and adjusted by a voucher payment (Attachment 14) or by a reduction to the vendor's invoices (Attachment 15). Vendors are notified of the adjustments by an OC form letter (Attachment 16). Actual detailed documentation of the vendor's invoice is maintained with the Contract Administrator or is on file with the contractor as specified by terms of the contract. This documentation is subject to review and audit by the D.C. Government at any time; this is so stated in the contract.

28. In response to questioning, DHS Director Rivers stated that in emergency situations one of two methods may be used to authorize a contractor to begin providing services. One method is the Letter Contract and the other method is the QM method. GAO has found that for fiscal years 1984-85 all but one of the 80 contracts reviewed were awarded by using one of these two methods: 36 contracts by Letter Contract, and 43 by Quantum Meruit Payments. Most of the services contracted by these methods had been contracted previously by the same contractors. What emergency existed that required the use of QM payments and Letter Contracts merely to continue services contracted from the previous year?

Letter Contracts are issued by the Department of Human Services pending execution of the negotiated services contract. The Letter Contract serves as an interim authorization, allowing new services to begin or for the continuation of services in emergency situations. The Letter Contract incorporates, by reference, the proposal and budget documents and provides a synopsis of services, the dollar amount of the contract and indicates the period of the contract. The Letter Contract is replaced by the Negotiated Services Contract once the contracting process has been completed. The use of Letter Contracts has been authorized by the Code of Federal Regulations Title 41 (Public Contracts and Property Management). The new procurement law, the "District of Columbia Procurement Practices Act of 1985", also recognizes the valid and legal use of this document. Quantum Meruit (QM) documents serve as interim mechanisms to remunerate a contractor for the renewal of on-going services without the benefit of a duly executed contract and/or amendment. This is a unilateral document which requires only the signature of the contracting officer.

29. GAO has said that the use of QM payments and Letter Contracts for emergency purposes only is a policy of DHS, and yet for fiscal years 1984-1985, their use was the rule rather than the exception: 79 of 80 contracts were awarded by using one of these methods. Was the Director of DHS aware that this near complete discourse from policy was taking place?

There has been no deviation from established DHS policy regarding the use of QM payments and Letter Contracts. As stated previously, Letter Contracts are always used pending the development of the final contract. In emergency cases where a duly executed contract or amendment is not in place and services are being continued, a QM is used to allow for the continuation of services pending renewal of the contract.

30. In her oral statment, Commissioner Rowe said that all YSA contracts funded in fiscal years 1984 and 1985 required the contractor to submit an audit at the end of their contract. GAO found that this requirement was written into the contract in just 10 of the contracts reviewed. Since this requirement is not written into the contract, what assurance is there that these audits were performed and submitted to YSA? What assurance is there that the audits were independent, since the contractor selects the accountant?

As a general provision, all contracts are subject to audit; however, this language has not been previously included in the contract unless specifically requested by the program officials. However, as a matter of course, effective August 1, 1986, this provision will be written into all contracts. Auditors are required by professional ethics to be independent in fact and appearance from the entity being audited irrespective of who selects the auditor.

31. How many of the contractor audits were actually done? How many were reviewed? Who within YSA or DHS conducted the contractor audit reviews?

The Office of the Controller audited two Youth Services Administration contractors during fiscal years 1984 and 1985, which included four contracts for service.

Contractor	Contract No.	FY Audit
Tricom	JA/84770	1984
Tricom	JA/83341	1983-84
A.R.E.	JA/84343	1985
A.R.E.	JA/84200	1985

Both the Tricom and Associates for Renewal in Education (A.R.E.) contracts were audited by OC for compliance with the financial terms of the contract. OC did not undertake any audit or review of the program aspects of the contract. All the financial audits (1984-85) were reviewed by the Controller, Deputy Controller, Contract Administrator and contractor's personnel.

32. As requested during the hearing on June 20, 1986, please provide copies of all contractor audit reports for fiscal years 1984 and 1985. Also provide documentation of their review and final disposition.

See Attachments:

- #17 Memo dated 5/23/85 to Controller from Deputy Controller, Audit of Tricom JA/84770, JA/83341
- #18 Memo dated 9/19/85 to Director from the Acting Inspector General, Office of Inspector General Review of Tricom
- #19 Memo dated 11/21/85 to Controller from Deputy Controller, Audit of A.R.E., JA/84343
- #20 Letter dated 4/24/86 to B.S. Nixon, A.R.E., Repayment Request

33. Why were the audits requested on certain contracts for fiscal year 1985 not submitted to the DHS Controller's Office for review? Why were audits only done or requested on certain contracts and not all, as DHS Director Rivers stated in his oral presentation.

The DHS, OC, is unaware of any audits conducted other than those completed by the Controller's Office. There were no audits performed by outside contractors and all internal audit reports were forwarded to and reviewed by the Controller. The DHS OC, audit staff performs audits that are requested in writing by the Contract Administrator. Due to the size of the audit unit and the large volume of contracts in the Department, it is not practical to audit all contracts. The audit unit also selects other contracts for audit on a random basis, with consideration given to contract amount, prior audit history, potential impact of adverse findings, and audit risk.

34. Commissioner Rowe stated in her oral presentation that she had no knowledge of cooks, laundry and maintenance staff being placed in positions as Officer of the Day where they were in charge of the institution , or in positions where they supervised the children. On what date did GAO meet with the Commissioner to discuss this matter?

Commissioner Rowe was not aware of cooks, laundry, and maintenance staff being placed in Officer of the Day positions. However, the Commissioner was aware of GAO's allegations of this fact. GAO met with Mr. Rivers, Director of the Department of Human Services, Commissioner Rowe and members of her staff on June 16, 1986 to inform her of this matter.

35. When the accreditation status of Bowie State's special education program was being researched, was a check of that program made with the Maryland Department of Education? Did the inquiry directly and specifically apply to the extension program carried out at Cedar Knoll? Please provide documentation of all inquiries and research into the Bowie State program accreditation.

Attempts by YSA were made, unsuccessfully, to confer with the Maryland Department of Education concerning the accreditation status of Bowie State College. YSA staff, on several occasions, made phone calls to officials at the Maryland Department of Education. They, however, were not able to reach persons of authority and their phone calls were never returned. YSA did receive confirmation of Bowie State's accreditation status from the college. Although the orginal correspondence has been misplaced, attached is a reconfirmation letter with supporting documentation from national accrediting authorities. (See Attachment #21).

36. Did the research into Bowie State accreditation show that the Maryland Board for Higher Education had no record of an off-campus program at Cedar Knoll, and no record of a request for accreditation of such a program?

It is Bowie State's position, as well as YSA's, that there would be no record of an off-campus program at Cedar Knoll because the classes that were held at the youth facility were not a separate program. There was no need to request accreditation for the classes held at Cedar Knoll because the classes were a part of the Bowie State Master's of Special Education Program, which is an accredited program.

37. In response to questions concerning the Bowie program, Commissioner Rowe referred to teachers being certified after attending the Bowie program. Were they certified by attending a "program approved" or by credit count analysis?

Those teachers that completed the program offered by Bowie State College on the campus of Cedar Knoll obtained teacher certificates from the Maryland Department of Education and were certified by "credit count analysis".

ATTACHMENT #1

FY 1986 STAFFING AND EXPENDITURE DATA FOR THE YOUTH SERVICES ADMINISTRATION

NUMBER OF STAFF ON BOARD

	Oak Hill/ Cedar Knoll	Receiving Home	Total
1st Quarter	212	67	279
2nd Quarter	207	65	272
3rd Quarter	245	71	316

TOTAL FY 1986 EXPENDITURES BY QUARTER ($ in THOUSANDS)

1st Quarter	2,061	630	2,691
2nd Quarter	2,360	711	3,071
3rd Quarter	2,015	597	2,612
GRAND TOTAL	6,436	1,938	8,374

FY 1986 OVERTIME EXPENDITURES 1/

1st Quarter	423	122	545
2nd Quarter	628	180	808
3rd Quarter	519	133	652
TOTAL	1,570	435	2,005

1/ subset of total expenditures: These expenditures do not include holiday pay, Sunday pay, and shift differential

FY 1985 STAFFING AND EXPENDITURE DATA FOR THE YOUTH SERVICES ADMINISTRATION

NUMBER OF STAFF ON BOARD

	Oak Hill/ Cedar Knoll	Receiving Home	Total
1st Quarter	222	30	252
2nd Quarter	222	30	252
3rd Quarter	220	66	286
4th Quarter	213	65	278

TOTAL FY 1985 EXPENDITURES BY QUARTER ($ in THOUSANDS)

1st Quarter	3,499	967	4,466
2nd Quarter	969	289	1,259
3rd Quarter	2,033	537	2,570
4th Quarter	2,852	830	3,682
GRAND TOTAL	9,353	2,623	11,976

FY 1985 OVERTIME EXPENDITURES 1/

1st Quarter	566	161	727
2nd Quarter	186	60	246
3rd Quarter	407	[illegible]	[illegible]
4th Quarter	659	178	837
TOTAL	1,820	539	[illegible]

1/ Subset of total expenditures: These expenditures do not include Holiday pay, Sunday pay, and shift differential

FY 1984 STAFFING AND EXPENDITURE DATA FOR THE YOUTH SERVICES ADMINISTRATION

NUMBER OF STAFF ON BOARD

	Oak Hill/ Cedar Knoll	Receiving Home	Total
1st Quarter	217	45	262
2nd Quarter	215	42	257
3rd Quarter	214	39	253
4th Quarter	213	39	252

TOTAL FY 1984 EXPENDITURES BY QUARTERS ($ in THOUSANDS)

1st Quarter	5,174	541	5,715
2nd Quarter	3,057	542	3,599
3rd Quarter	3,955	324	4,297
4th Quarter	5,705	307	6,012

FY 1984 OVERTIME EXPENDITURES 1/

1st Quarter	582	50	632
2nd Quarter	672	100	772
3rd Quarter	1,034	159	1,193
4th Quarter	1,478	262	1,740

1/ subset of total expenditures: These expenditures do not include holiday pay, Sunday pay, and shift differential.

ATTACHMENT #2

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, JANUARY 1986

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	688	150	150	33	175	180
Average Daily Population	596	111	137	9	161	178
Number Admitted	554	68	38	369	26	53
Number Discharged	538	70	32	369	19	53
No. Under Care/End of Month	607	112	136	8	173	178
COMMITTED						
Av. Population Committed	337	62	97	0	-	178
Number Admitted	94	24	17	0	-	53
Number Discharged	87	22	12	0	-	53
No. Under Care/End of Month	338	62	98	0	-	178
DETAINED						
Av. Population Detained	259	49	40	9	161	-
Number Admitted	460	44	21	369	26	-
Number Discharged	451	48	20	369	19	-
No. Under Care/End of Month	269	50	38	8	173	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, FEBRUARY 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	690	123	195	8	173	191
Number Admitted	598	83	52	426	0	37
Number Discharged	578	71	95	427	0	35
No. Under Care/End of Month	652	124	199	7	173	199
COMMITTED						
Av. Population Committed	367	72	104	0	-	191
Number Admitted	97	37	23	0	-	37
Number Discharged	79	23	21	0	-	35
No. Under Care/End of Month	383	78	106	0	-	199
DETAINED						
Av. Population Detained	273	51	91	8	173	-
Number Admitted	501	46	29	426	0	-
Number Discharged	499	48	29	427	0	-
No. Under Care/End of Month	269	46	93	7	173	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 19
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, MARCH 1980

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	627	122	146	6	173	180
Number Admitted	563	76	22	416	0	49
Number Discharged	554	64	27	414	0	49
No. Under Care/End of Month	636	129	145	9	173	180
COMMITTED						
Av. Population Committed	369	84	105	0	-	180
Number Admitted	88	29	10	0	-	49
Number Discharged	79	19	11	0	-	49
No. Under Care/End of Month	375	88	107	0	-	180
DETAINED						
Av. Population Detained	258	38	41	6	173	-
Number Admitted	475	47	12	416	0	-
Number Discharged	479	49	16	410	0	-
No. Under Care/End of Month	261	41	38	9	173	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 9
COMPARISON OF INSTITUTIONS FOR CHILDREN - AVERAGE POPULATION
YOUTH SERVICES ADMINISTRATION, APRIL 1984

	AVERAGE DAILY POPULATION		PERCENT CHANGE	AVER. DAILY COMMITTED POP.		PERCENT CHANGE	AVER. DAILY DETAINED POP.		PERCENT CHANGE
	CURRENT MONTH	SAME MONTH LAST YEAR		CURRENT MONTH	SAME MONTH LAST YEAR		CURRENT MONTH	SAME MONTH LAST YEAR	
ALL INSTITUTIONS	615	698	-11.9	348	417	-16.6	267	281	-5.0
CEDAR KNOLL	117	186	-37.1	77	126	-38.9	40	60	-33.4
OAK HILL	135	193	-30.1	93	148	-37.2	42	45	-6.7
RECEIVING HOME	12	15	*	0	4	*	12	11	*
HOME DETENTION	173	165	4.8	-	-	-	173	165	4.8
YOUTH GROUP HOMES	178	139	28.0	178	139	28.0	-	-	-

*When base is less than 25, percentage change is not computed.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, MAY 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	612	104	145	12	173	178
Number Admitted	617	63	29	463	0	62
Number Discharged	634	72	32	467	0	63
No. Under Care/End of Month	606	103	144	9	173	177
COMMITTED						
Av. Population Committed	352	70	104	0	-	178
Number Admitted	91	17	12	0	-	62
Number Discharged	104	29	12	0	-	63
No. Under Care/End of Month	346	65	104	0	-	177
DETAINED						
Av. Population Detained	260	34	41	12	173	-
Number Admitted	526	46	17	463	0	-
Number Discharged	530	43	20	467	0	-
No. Under Care/End of Month	260	38	40	9	173	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 14
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, JUNE 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	598	97	141	8	175	177
Number Admitted	646	76	34	455	20	61
Number Discharged	663	78	39	456	33	57
No. Under Care/End of Month	589	98	144	8	160	179
COMMITTED						
Av. Population Committed	339	62	100	0	-	177
Number Admitted	88	20	7	0	-	61
Number Discharged	90	20	13	0	-	57
No. Under Care/End of Month	333	57	97	0	-	179
DETAINED						
Av. Population Detained	259	35	41	8	175	-
Number Admitted	558	56	27	455	20	-
Number Discharged	573	58	26	456	33	-
No. Under Care/End of Month	256	41	47	8	160	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, JULY 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	552	95	136	6	155	160
Number Admitted	521	55	36	180	0	50
Number Discharged	565	64	46	381	5	69
No. Under Care/End of Month	554	94	138	7	155	160
COMMITTED						
Av. Population Committed	304	57	87	0	-	160
Number Admitted	85	22	13	0	-	50
Number Discharged	109	21	19	0	-	69
No. Under Care/End of Month	312	60	92	0	-	160
DETAINED						
Av. Population Detained	248	38	49	6	155	-
Number Admitted	436	33	23	180	0	-
Number Discharged	456	43	27	381	5	-
No. Under Care/End of Month	242	34	46	7	155	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, AUGUST 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	543	90	145	7	141	160
Number Admitted	634	64	46	437	16	71
Number Discharged	636	54	35	442	34	71
No. Under Care/End of Month	572	112	146	16	138	160
COMMITTED						
Av. Population Committed	315	55	100	0	-	160
Number Admitted	121	22	28	0	-	71
Number Discharged	112	32	9	0	-	71
No. Under Care/End of Month	333	66	107	0	-	160
DETAINED						
Av. Population Detained	228	35	45	7	141	-
Number Admitted	513	42	18	437	16	-
Number Discharged	524	22	26	442	34	-
No. Under Care/End of Month	239	46	39	16	138	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 14
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, SEPTEMBER 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	575	109	145	16	140	165
Number Admitted	668	80	47	437	29	75
Number Discharged	621	58	51	434	20	58
No. Under Care/End of Month	581	102	146	17	139	177
COMMITTED						
Av. Population Committed	334	68	101	0	-	165
Number Admitted	125	32	18	0	-	75
Number Discharged	97	18	21	0	-	58
No. Under Care/End of Month	351	70	104	0	-	177
DETAINED						
Av. Population Detained	241	41	44	16	140	-
Number Admitted	543	48	29	437	29	-
Number Discharged	524	40	30	434	20	-
No. Under Care/End of Month	230	32	42	17	139	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, OCTOBER 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	555	99	144	13	146	153
Number Admitted	662	72	41	465	35	49
Number Discharged	669	67	40	468	22	72
No. Under Care/End of Month	574	107	147	14	152	154
COMMITTED						
Av. Population Committed	317	65	99	0	-	153
Number Admitted	81	17	15	0	-	49
Number Discharged	124	29	23	0	-	72
No. Under Care/End of Month	308	58	96	0	-	154
DETAINED						
Av. Population Detained	238	34	45	13	146	-
Number Admitted	581	55	26	465	35	-
Number Discharged	545	38	17	468	22	-
No. Under Care/End of Month	266	49	51	14	152	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, NOVEMBER [illegible]

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	560	106	126	11	149	148
Number Admitted	586	49	28	413	18	56
Number Discharged	596	51	43	[illegible]	15	62
No. Under Care/End of Month	562	105	146	9	156	148
COMMITTED						
Av. Population Committed	310	60	86	[illegible]	-	148
Number Admitted	96	13	[illegible]	[illegible]	-	56
Number Discharged	91	15	16	[illegible]	-	62
No. Under Care/End of Month	315	62	105	[illegible]	-	148
DETAINED						
Av. Population Detained	250	48	46	11	149	-
Number Admitted	487	28	29	413	18	-
Number Discharged	505	56	29	[illegible]	15	-
No. Under Care/End of Month	247	43	41	9	156	-

NOTE: End of month population counts are based on "on grounds" population which excludes [illegible] centers, jail commitments, etc.

TABLE 14
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, DECEMBER 1984

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	549	100	140	13	150	146
Number Admitted	626	57	32	439	24	74
Number Discharged	628	60	39	436	27	66
No. Under Care/End of Month	543	102	136	12	147	146
COMMITTED						
Av. Population Committed	302	55	101	0	-	146
Number Admitted	109	18	17	0	-	74
Number Discharged	105	18	21	0	-	66
No. Under Care/End of Month	301	58	97	0	-	146
DETAINED						
Av. Population Detained	267	45	39	13	150	-
Number Admitted	517	39	15	439	24	-
Number Discharged	523	42	18	436	27	-
No. Under Care/End of Month	242	44	39	12	147	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

ATTACHMENT #3

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, JANUARY 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	534	83	139	15	150	147
Number Admitted	451	28	26	332	19	46
Number Discharged	444	37	25	324	12	46
No. Under Care/End of Month	519	75	137	14	144	149
COMMITTED						
Av. Population Committed	291	47	97	0	-	147
Number Admitted	67	9	12	0	-	46
Number Discharged	77	16	15	0	-	46
No. Under Care/End of Month	282	40	93	0	-	149
DETAINED						
Av. Population Detained	243	36	42	15	150	-
Number Admitted	384	19	14	332	19	-
Number Discharged	367	21	10	324	12	-
No. Under Care/End of Month	237	35	44	14	144	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, FEBRUARY 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	503	79	140	18	140	126
Number Admitted	678	49	52	509	11	57
Number Discharged	671	54	41	505	16	55
No. Under Care/End of Month	540	74	145	18	139	164
COMMITTED						
Av. Population Committed	272	46	100	0	-	126
Number Admitted	103	14	32	0	-	57
Number Discharged	100	28	17	0	-	55
No. Under Care/End of Month	306	36	106	0	-	164
DETAINED						
Av. Population Detained	231	33	40	18	140	-
Number Admitted	575	35	20	509	11	-
Number Discharged	571	26	24	505	16	-
No. Under Care/End of Month	234	38	39	18	139	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 14
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, MARCH 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	526	71	141	18	144	152
Number Admitted	682	47	53	469	42	71
Number Discharged	637	46	40	461	24	66
No. Under Care/End of Month	540	73	146	25	141	155
COMMITTED						
Av. Population Committed	281	28	101	-	-	152
Number Admitted	109	10	28	-	-	71
Number Discharged	110	22	22	-	-	66
No. Under Care/End of Month	282	23	104	-	-	155
DETAINED						
Av. Population Detained	245	43	40	18	144	-
Number Admitted	573	37	25	469	42	-
Number Discharged	527	24	18	461	24	-
No. Under Care/End of Month	258	50	42	25	141	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, APRIL 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	529	58	147	24	161	139
Number Admitted	678	37	49	502	29	61
Number Discharged	701	70	45	495	21	70
No. Under Care/End of Month	529	48	146	23	162	150
COMMITTED						
Av. Population Committed	260	19	102	0	-	139
Number Admitted	88	10	17	0	-	61
Number Discharged	107	16	21	0	-	70
No. Under Care/End of Month	266	19	97	0	-	150
DETAINED						
Av. Population Detained	269	39	45	24	161	-
Number Admitted	590	27	32	502	29	-
Number Discharged	594	54	24	495	21	-
No. Under Care/End of Month	263	29	49	23	162	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, MAY 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	524	50	152	24	160	138
Number Admitted	613	50	39	432	20	72
Number Discharged	607	52	33	438	15	69
No. Under Care/End of Month	538	51	155	18	165	149
COMMITTED						
Av. Population Committed	264	23	103	0	0	138
Number Admitted	98	7	19	0	0	72
Number Discharged	82	5	8	0	0	69
No. Under Care/End of Month	276	20	107	0	0	149
DETAINED						
Av. Population Detained	260	27	49	24	160	-
Number Admitted	523	43	28	432	20	-
Number Discharged	525	47	25	438	15	-
No. Under Care/End of Month	262	31	48	18	165	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 14
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS:
YOUTH SERVICES ADMINISTRATION, JUNE 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	531	65	148	25	158	135
Number Admitted	777	85	48	555	23	66
Number Discharged	750	81	48	547	12	62
No. Under Care/End of Month	544	64	149	24	169	138
COMMITTED						
Av. Population Committed	265	22	108	0	0	135
Number Admitted	110	14	30	0	0	66
Number Discharged	104	22	20	0	0	62
No. Under Care/End of Month	268	15	115	0	0	138
DETAINED						
Av. Population Detained	266	43	40	25	158	-
Number Admitted	667	71	18	555	23	-
Number Discharged	646	59	28	547	12	-
No. Under Care/End of Month	276	49	34	24	169	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 7
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, JULY 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	497	38	139	26	150	144
Number Admitted	647	52	61	454	7	73
Number Discharged	690	78	40	452	35	85
No. Under Care/End of Month	511	44	148	33	137	149
COMMITTED						
Av. Population Committed	284	12	128	0	-	144
Number Admitted	124	18	33	0	-	73
Number Discharged	123	21	17	0	-	85
No. Under Care/End of Month	271	13	109	0	-	149
DETAINED						
Av. Population Detained	213	26	11	26	150	-
Number Admitted	523	34	28	454	7	-
Number Discharged	567	57	23	452	35	-
No. Under Care/End of Month	240	31	39	33	137	-

TABLE
INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS: YOUTH SERVICES ADMINISTRATION, AUGUST 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity	693	150	150	38	175	180
Average Daily Population	516	47	147	29	150	143
Number Admitted	825	60	56	601	15	93
Number Discharged	804	66	34	599	21	84
No. Under Care/End of Month	520	48	140	31	143	158
COMMITTED						
Av. Population Committed	260	16	101	0		143
Number Admitted	119	5	21	0	-	93
Number Discharged	109	10	15	0	-	84
No. Under Care/End of Month	259	6	95	0	-	158
DETAINED						
Av. Population Detained	256	31	46	29	150	-
Number Admitted	706	55	35	601	15	-
Number Discharged	695	56	19	599	21	-
No. Under Care/End of Month	261	42	45	31	143	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 14.--INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS
YOUTH SERVICES ADMINISTRATION, SEPTEMBER 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity........................	693	150	150	38	175	180
Average Daily Population.......	531	51	144	40	139	157
Number Admitted................	758	108	34	537	7	72
Number Discharged..............	744	97	39	538	9	61
No. Under Care/End of Month....	543	55	148	31	140	169
COMMITTED						
Av. Population Committed.......	267	10	100	0	-	157
Number Admitted................	100	7	21	0	-	72
Number Discharged..............	84	9	14	0	-	61
No. Under Care/End of Month....	288	13	106	0	-	169
DETAINED						
Av. Population Detained........	264	41	44	40	139	-
Number Admitted................	658	101	13	537	7	-
Number Discharged..............	660	88	25	538	9	-
No. Under Care/End of Month....	255	42	42	31	140	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 5.—INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS
YOUTH SERVICES ADMINISTRATION, OCTOBER 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity........................	693	150	150	38	175	180
Average Daily Population.......	511	58	144	29	140	140
Number Admitted................	800	104	39	584	8	65
Number Discharged..............	785	91	45	574	9	66
No. Under Care/End of Month....	532	71	147	24	139	151
COMMITTED						
Av. Population Committed.......	264	14	110	0	-	140
Number Admitted................	110	18	27	0	-	65
Number Discharged..............	87	11	10	0	-	66
No. Under Care/End of Month....	288	19	118	0	-	151
DETAINED						
Av. Population Detained........	247	44	34	29	140	-
Number Admitted................	690	86	12	584	8	-
Number Discharged..............	698	80	35	574	9	-
No. Under Care/End of Month....	244	52	29	24	139	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 5.—INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS
YOUTH SERVICES ADMINISTRATION, NOVEMBER 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity........................	693	150	150	38	175	180
Average Daily Population.......	509	75	150	30	140	114
Number Admitted................	682	72	45	460	24	81
Number Discharged..............	669	68	25	471	29	76
No. Under Care/End of Month....	494	74	150	31	140	99
COMMITTED						
Av. Population Committed.......	240	18	108	0	-	114
Number Admitted................	109	19	9	0	-	81
Number Discharged..............	108	17	15	0	-	76
No. Under Care/End of Month....	207	20	88	0	-	99
DETAINED						
Av. Population Detained........	269	57	42	30	140	-
Number Admitted................	573	53	36	460	24	-
Number Discharged..............	561	51	10	471	29	-
No. Under Care/End of Month....	287	54	62	31	140	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

TABLE 13.--INSTITUTIONS FOR CHILDREN - POPULATION STATISTICS
YOUTH SERVICES ADMINISTRATION, DECEMBER 1985

	TOTAL FOR INSTITUTIONAL POPULATIONS	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENTION	YOUTH GROUP HOMES
TOTAL (Committed & Detained)						
Capacity........................	693	150	150	38	175	180
Average Daily Population.......	551	78	160	34	155	124
Number Admitted.................	655	49	33	484	52	37
Number Discharged..............	657	79	36	491	11	40
No. Under Care/End of Month....	552	77	160	31	164	120
COMMITTED						
Av. Population Committed.......	250	20	106	0	-	124
Number Admitted.................	60	9	14	0	-	37
Number Discharged..............	54	13	1	0	-	40
No. Under Care/End of Month....	249	18	111	0	-	120
DETAINED						
Av. Population Detained........	301	58	54	34	155	-
Number Admitted.................	595	40	19	484	52	-
Number Discharged..............	603	66	35	491	11	-
No. Under Care/End of Month....	303	59	49	31	164	-

NOTE: End of month population counts are based on "on grounds" population which excludes absconders, jail commitments, etc.

ATTACHMENT #4

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR [illegible]

ADMISSIONS AND DISCHARGES

	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT
CAPACITY	541	176	188	38	175
TOTAL (COMMITTED & DETAINED)					
Average Daily Population	466.9	97.2	147.5	36	188.5
Number Admitted	661	102	26	502	31
Number Discharged	632	80	18	502	32
No. under care/end of month	514	121	163	36	194
COMMITTED					
Av. Population Committed	129	80.1	48.9	0	0
Number Admitted	44	31	13	0	0
Number Discharged	31	23	8	0	0
No. under care/end of month	158	45	113	0	0
DETAINED					
Av. Population Detained	337.9	66.9	46.6	36	188.5
Number Admitted	617	71	13	502	31
Number Discharged	601	57	10	502	32
No. under care/end of month	356	76	50	36	194

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR February, 1986

ADMISSIONS AND DISCHARGES

	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT.
CAPACITY	513	150	150	38	175
TOTAL (COMMITTED & DETAINED)					
Average Daily Population	494.4	118.3	141.5	30.8	194
Number Admitted	588	90	30	435	33
Number Discharged	601	[illegible]	18	460	42
No. under care/end of month	450	125	160	25	140
COMMITTED					
Av. Population Committed	154.4	41.9	112.6	0	0
Number Admitted	43	27	16	0	0
Number Discharged	21	14	7	0	0
No. under care/end of month	162	50	112	0	0
DETAINED					
Av. Population Detained	340	76.4	29.0	30.8	194
Number Admitted	545	63	14	435	33
Number Discharged	580	72	11	460	37
No. under care/end of month	288	75	48	25	140

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences

243

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR March, [illegible]

ADMISSIONS AND DISCHARGES

	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT
CAPACITY	511	150	150	30	175
TOTAL (COMMITTED & DETAINED)					
Average Daily Population	[illegible]	[illegible]	[illegible]	28.35	[illegible]
Number Admitted	[illegible]	116	47	595	76
Number Discharged	[illegible]	[illegible]	29	588	[illegible]
No. under care/end of month	[illegible]	143	[illegible]	34	[illegible]
COMMITTED					
Av. Population Committed	[illegible]	[illegible]	[illegible]	0	0
Number Admitted	[illegible]	41	[illegible]	0	0
Number Discharged	[illegible]	17	[illegible]	0	0
No. under care/end of month	[illegible]	[illegible]	115	0	0
DETAINED					
Av. Population Detained	[illegible]	[illegible]	[illegible]	28.35	[illegible]
Number Admitted	[illegible]	55	21	595	76
Number Discharged	[illegible]	[illegible]	[illegible]	588	54
No. under care/end of month	[illegible]	[illegible]	34	34	162

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences are included; (does not include absconders, jail commitments, etc.)

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR April, [illegible]

ADMISSIONS AND DISCHARGES	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT
CAPACITY	511	159	150	38	175
TOTAL (COMMITTED & DETAINED) Average Daily Population	486	131.1	161.8	29.1	164
Number Admitted	764	94	31	589	60
Number Discharged	792	108	34	588	62
No. under care/end of month	473	115	167	29	162
COMMITTED Av. Population Committed	159.1	41.8	117.3	0	0
Number Admitted	30	13	17	0	0
Number Discharged	45	30	15	0	0
No. under care/end of month	153	30	123	0	0
DETAINED Av. Population Detained	326.9	89.3	44.5	29.1	164
Number Admitted	734	71	14	589	60
Number Discharged	747	78	19	588	62
No. under care/end of month	320	85	44	29	162

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences are included; (does not include absconders, jail commitments, etc.)

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR May, [illegible]

ADMISSIONS AND DISCHARGES

	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT
CAPACITY	513	150	150	38	175
TOTAL (COMMITTED & DETAINED)					
Average Daily Population	[illegible]	[illegible]	[illegible]	40	200
Number Admitted	797	99	39	593	66
Number Discharged	776	95	37	610	34
No. under care/end of month	468	94	128	33	213
COMMITTED					
Av. Population Committed	[illegible]	40.4	[illegible]	0	0
Number Admitted	41	20	21	0	0
Number Discharged	39	23	16	0	0
No. under care/end of month	106	16	90	0	0
DETAINED					
Av. Population Detained	353.4	53.1	[illegible]	30	200
Number Admitted	756	79	18	593	66
Number Discharged	737	72	21	610	34
No. under care/end of month	362	78	38	33	213

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences are included; (does not include absconders, jail commitments, etc.)

MONTHLY REPORT OF POPULATION STATISTICS

MONTH & YEAR [illegible]

ADMISSIONS AND DISCHARGES	TOTAL FOR INSTITUTIONAL POPULATION	CEDAR KNOLL	OAK HILL	RECEIVING HOME	HOME DETENT
CAPACITY	513	150	150	38	175
TOTAL (COMMITTED & DETAINED)					
Average Daily Population	484.8	140.27	151.4	41	201
Number Admitted	744	104	66	509	65
Number Discharged	640	49	51	534	25
No. under care/end of month	504	102	157	[illegible]	241
COMMITTED					
Av. Population Committed	135.6	25.8	110.4	0	0
Number Admitted	58	24	34	0	0
Number Discharged	60	27	33	0	0
No. under care/end of month	124	23	101	0	0
DETAINED					
Av. Population Detained	346	66.4	44.2	41	201
Number Admitted	686	80	30	509	67
Number Discharged	610	61	18	528	25
No. under care/end of month	400	79	56	[illegible]	241

NOTE: Statistics used to compile this report are based on "ON GROUNDS" population in the institutions. Residents who are present, on home visit, hospital admissions, or other short-term absences are included; (does not include absconders, jail commitments, etc.)

1984

NAME	ACTION REQUESTED	PROPOSAL DATE	FINAL DECISION DATE	STATUS
Coward. Rainado	Removal	8/84		Cancelled
Doulin, John	10 Day Suspension	9/12/84	11/6/84	Closed
Magruder, Anthony	Reprimand	8/23/84	11/15/84	Cancelled
Thompson, William	Review	10/23/85	Returned No Action Taken	
Dickens, Morris	Reprimand	11/15/83	Returned No Action Taken	
Randall, Franklin	Removal	11/16/83	Returned No Action Taken	
Brown, John	Reprimand	9/13/84	No Decision	
Nunn, Larry	10 Day Suspension	4/4/84	No Decision	

1985

NAME	ACTION REQUESTED	PROPOSAL DATE	FINAL DECISION DATE	STATUS
Yates, Donald	5 Day Suspension	2/4/85	10/31/85	Cancelled
Ellerbe, William	5 Day Suspension	4/1/85	3/14/85	Cancelled
Taylor, Elsie	Review			Resigned
Litchfield, Florence	30 Day Suspension	7/29/85	12/18/85	Closed
Leon, Radames	Removal	3/11/85	10/23/85	Cancelled
Davis, Alonzo	15 Day Suspension	11/15/84		No Final Decision
Blackmon, Robert	Reprimand	3/17/85	11/8/85	Closed
Carpenter, Lawrence	Removal	11/28/84	10/19/85	Closed

1986

NAME	ACTION REQUESTED	PROPOSAL DATE	FINAL DECISION DATE	STATUS
Bacon, Joseph	30 Day Suspension	11/22/85	4/2/86	Closed
Calloway, Carlton	30 Day Suspension	11/21/85	4/2/86	Closed
Brooks, Brenda	Reprimand	3/10/86	5/1/86	Closed
Morgan, Edward	Reprimand	1/2/86	3/18/86	Closed
Henry, George	Reprimand	12/16/85	3/17/86	Closed
Taylor, Dorothy	Reprimand	1/6/86	3/17/86	Closed
Diamond, Kenneth	Reprimand	12/13/85	3/17/86	Closed
Barron, James	Reprimand	12/20/85	3/17/86	Closed
Taylor, Ruby	Reprimand	12/18/85	3/17/86	Closed
Yates, Donald	5 Day Suspension	1/31/86	3/10/86	Closed
Mundfred, Mantley	Reprimand		Letter of Direction	Closed
Kelly, George	5 Day Suspension	3/10/86	4/7/86	Closed
Brown, John III	Removal	11/13/85	1/27/86	Closed

ATTACHMENT #6

PROFESSIONAL SERVICES - FY 1985

YOUTH SERVICES ADMINISTRATION
PROFESSIONAL SERVICES
10/01/84 - 09/30/85 (FY 1985)

Page 1 of 3

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Clifton H. Anderson JA/85705	10/01/84 - 09/30/85	Fixed Price Prepare Court-Ordered Screening Reports Provide Diagnostic and Mental Health Counseling services to the residents of the Receiving Home for Children	Renewal	Sole-Source	$7,300.80	$14.04 per hour
Margaret Beyer JA/85690	10/01/84 - 09/30/85	Fixed Price To provide consultant services for the purpose of developing Request for Proposals (RFPs) for Community Services Programs that need to be implemented as a result of the closing of Cedar Knoll.	Renewal	Sole-Source	$23,400.00	$150.00 per day
Clifford Booker, M.D. JA/85784	10/01/84 - 09/30/85	Fixed Price Physical Examinations, Referrals for treatment and be available on sick calls for children and adolescents at the Receiving Home for Children	Renewal	Sole-Source	$24,960.00	$24.00 per hour
Paul Demuro JA/85179	10/01/84 09/30/85	Fixed Price/Cost Reimbursable To monitor as specified in the consent order on the Receiving Home to assure and confirm compliance with minimal health safety and environmental standards.	Initial	Sole-Source	$8,800.00	$245.00 per day x26 days/Plus Reimbursable expense up to $2,430.00

YOUTH SERVICES ADMINISTRATION
PROFESSIONAL SERVICES
10/01/84 - 09/30/85 (FY 1985)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Thomas D. Carter JA/84647	10/1/84 - 6/30/85	Fixed Price Develop a Release Plan for Cedar Knoll/Oak Hill Youth to be place in Community	Renewal	Sole - Source	$23,400.00	$150.00 per day
Walter Farrier JA/85582	7/15/85 9/30/85	Fixed Price Develop Master Roster for Cottage and Security Staff at Oak Hill and Receiving Home. Develop training in Security and Control	Initial	Sole - Source	$4,224.00	$128.00 per day
William Goldstein, M. D. JA/85776	10/1/84 - 9/30/85	Fixed Price Psychiatric Services at Oak Hill for D. C. Superior Court	Renewal	Sole - Source	$20,800.00	$40.00 per hour
John W. Graham JA/85110	4/1/85 - 9/30/85	Fixed Price Develop, Monitor, and evaluate vocational Services at Oak Hill	Initial	Sole - Source	$12,748.80	$99.00 per day
Dorothy Harris JA/85798	10/1/84 - 9/30/85	Fixed Price Develop Automated Case Management System	Renewal	Sole - Source	$37,650.00	$150.00 per day
Shelley Kay Williams JA/85783	10/1/84 9/30/85	Fixed Price Develop tract and validation systems to determine status of detained youth for case management	Renewal	Sole - Source	$26,224.00	$100.00 per day
William C. Smith JA/85761	10/1/84 - 9/30/85	Fixed Price Provide technical guidance to interns students and volunteers in housekeeping maintenance and groundkeeping.	Renewal	Sole - Source	$15,600.00	$7.50 per hour

YOUTH SERVICES ADMINISTRATION
PROFESSIONAL SERVICES
10/01/84 - 09/30/85 (FY 1985)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Eric Swinn JA/85583	7/15/85 - 9/30/85	Fixed Price Develop master roster and security procedures for cottages and security staff at Oak Hill and Receiving Home	Initial	Sole - Source	$4,224.00	$128.00 per day
		Total Professional Services - FY 1985			$209,331.60	

ATTACHMENT # 7

NEGOTIATED SERVICES CONTRACTS - FY 1985

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Associates for Renewal in Education JA/85711	10/1/84 - 9/30/85	Cost Reimbursable ✓ Group Home for 10 detainees ages 14-17 Renovation of how to meet Fire/Codes Education and Self Esteem building for youth released from Cedar Knoll remedial education, and individual counseling to help youth form positive attitudes with school staff	Renewal	Exercised Option to renew under RFP	$296,729.00	$81.30 per client per day
Associates for Renewal in Education JA/84083	10/1/84- 9/30/85	Fixed Price/Cost Reimbursable Group home for 10 adjudicated ✓ adolescent youths ages 15-17	Renewal	Exercised Option to renew under RFP	$224,545.36	$60.41 per client per day
Associates for Renewal in Education JA/84200	10/1/84- 2/28/85	Cost Reimbursable Provide education and self-esteem building for each youth released from Cedar Knoll	Renewal JA/83739	Exercised Option to renew under RFP	$24,999.00	Estimated cost $1,249.95 per Client
Columbia Heights Youth Club JA/85814	10/1/84- 9/30/85	Cost Reimbursable To Provide self-development and esteem building programs for IS community services clients	Renewal	Exercised Option to renew under RFP	$53,141.00	$3,542.73 per client per month (estimated)
Educational Support Systems JA/85817	10/1/84 - 9/30/85	Cost Reimbursable Education assessments and support for community services. Added educational and diagnostic assessments at Oak Hill	Renewal	Exercised Option to renew under RFP	$192,142.00	$16,011.83 per month (estimated)

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

2 Of 6

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
East of the River Health Association JA/84865	10/1/84- 9/30/85	Fixed Price/Cost Reimbursable Furnish high quality medical services in keeping with professional activities and standards appropriate to physician assistants and nurse practitioners. provide supplementary health care service on a 24 hour basis at the Receiving Home. Provide special resources and health care services for high-risk youth and low income families who may be sexually active.	Initial	Sole-Source	$382,256.00	$12.92 per hour for 10/1/84 -3/31/85 $15.48 per hour for 4/1/85- 9/30/85
East of the River Health Association JA/85863	10/1/84 - 9/30/85	Cost Reimbursable Provide assessments and diagnostic evaluations for committed youth and to develop a specific individual plan of services and treatment term meeting	Renewal	Sole-Source	$43,696.00	$3,641.33 per month (estimated)
Tricom Training Institute JA/84470	10/1/84 - 9/30/85	Firm Fixed Price and Cost Reimbursable Group house for 10 male detainees Ages 14-17 who are detained (shelter) ✓ population	Renewal	Exercised Option to renew under RFP	$242,972.25	Firm: $16,689.67 Balance -Reimbursable at $3,466.00 per month (estimate
Tricom Training Institute JA/84341	10/1/84 - 9/30/85	Fixed Price/Cost Reimbursable Group house for 20 male detainees ✓ ages 14-17	Renewal	Exercised Option to renew under RFP	$493,093.24	$32,484.83 per mont for 10/1/84 - 5/17/85

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

3 Of 6

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Harambee House for Youth JA/85167	10/1/84- 9/30/85	Cost Reimbursable Group Home for 4 delinquent girls released from Cedar Knoll ✓	Initial	Sole-Source	$232,956.00	$19,413.00 per month (estimated)
Latin American Youth Center JA/85348	03/01/85- 9/30/85	Cost Reimbursable Provide casework for approximately 400 latino Youth	Initial	Sole-Source	$100,000.00	$41.66 per client per month (estimated)
Living Stage Theater JA/85818	10/1/84- 9/30/85	Cost Reimbursable To improve the individual clients sense of self-worth, appreciation of own skills and abilities through involvement in creative arts for 25 clients	Renewal	Exercised Option to renew under RFP	$63,500.00	$2,550.00 per client per year
Richmond Fellowship JA/84342	10/1/84- 9/30/85	N/S Fixed Price/Cost Reimbursable Group Home for 10 youth ✓	Renewal	Exercised Option to renew under RFP	$237,649.68	$108.70 per client per day
Washington Urban League JA/85801	11/01/84- 9/30/85	Cost Reimbursable To serve as a centralized and city wide intake office for the referral of persons in need of supervision and to direct clients from the juvenile justice system	Renewal	Sole-Source	$189,807.75	$17,375.27 per month

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

4 Of 6

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
✓ Sasha Bruce Youthwork, Inc. JA/84344	10/1/84 9/30/85	Cost Reimbursable ✓ Group home for 8 clients. Provide out reach counseling and follow-up service Coordinate with police courts and	Renewal	Exercised Option to renew under RFP	$273,304.78	Estimated cost $93.66 per resident per day
		Social Service agencies; Strengthen family relationships and help youths plan appropriate course of action				
Sasha Bruce Youthwork, Inc. JA/85283	10/1/84- 9/30/85	Fixed Price ? Runaway facility; also provide outreach counseling, residential and follow-up services to 100 runaways and youth in crisis (Special funding by Congress) ✓	Renewal	Sole-Source	$104,000.00	Estimated cost $1,040.00 per client per year
Sasha Bruce Youthwork, Inc. JA/84478	10/1/84- 12/31/84	Fixed Price/Cost Reimbursable Foster care placement. Operate a program designed to divert alleged and committed delinquents from secure detention	Renewal	Exercised Option to renew under RFP	$54,446.25	$14,002.92 estimate fixed price per month-Balance cost reimbursable at $4,145.83 per month
Bureau of Rehabilitation of the N. C. Area JA/84273 ✓	10/1/84 - 1/31/85	Firm Fixed Price/Cost Reimbursable Provide community-based group home for 10 females and 20 males who need supervision	Renewal	Exercised Option to renew under RFP	$312,948.64	$78,237.16 per month
Bureau of Rehabilitation of the N. C. Area JA/85273	10/1/84- 9/30/85	Cost Reimbursable Provide a community based group home for care and placement for thirty-eight (38) youth ✓	Renewal	Exercised Option to renew under RFP	$939,625.28	$67.77 per client/ per day
Independence Road, SAJA JA/85125	10/1/84- 9/30/85	Cost Reimbursable Provide an independent living program that involves residential and job placement	Renewal	Exercised Option to renew under RFP	$380,565.00	$1,441.52 per month for 22 clients

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Sentencing Services JA/85002	10/1/84 - 9/30/85	Cost Reimbursable Provide comprehensive treatment planning and diagnostic assessment services for clients committed to the Department's Community Servs. Program	Renewal	Sole-Source	$56,875.00	72.91 per month per client for 65 clients (estimated)
Progressive Life Center JA/85815	10/1/84 - 9/30/85	Cost Reimbursable Provide family intervention and treatment services for 112 clients committed to community services program	Renewal	Exercised Option to renew under RFP	$359,200.00	$267.26 per client per month (estimated)
Progressive Life Center JA/85655	07/29/85 - 9/30/85	Cost Reimbursable Provide therapy for 15 major youth offenders	Initial	Sole- Source	$20,000.00	$666.66 per client per month (estimated)
Quincy Street Group Home JA/84600	10/1/84- 12/31/84	Fixed Price/Cost Reimbursable Provide a twenty-four (24) hour group home ✓	Renewal	Exercised Option to renew under RFP	$50,094.84	$54.89 per client per day (estimated)
Children's Hospital National Medical Center JA/85346	01/01/85- 4/30/85	Firm Fixed Price To provide staff training on dealing with physically/sexually abused children and to provide technical assistance and case consultation for Harambee House residents who have been physically/sexually abused	Initial	Sole-Source	$5,025.03	$1,256.24 for 3 months $1,256.31 for 1 month
YWCA of the National Capital Area JA/84599	10/1/84- 9/30/85	Firm Fixed Price/Cost Reimbursable Group home for 10 females in need of supervision ✓	Renewal	Exercised Option to renew under RFP	$231,439.03	Firm Fixed $16,747.75 per month-Cost Reimbursable $2,064.58 per month (estimated)

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/1/84 - 9/30/85 (FY 1985)

6 Of 6

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Bowie State College JA/83609	10/1/84- 1/31/85	Fixed Price To provide education instruction for institution teachers to bring them into compliance with minimum standards for certification by D. C. Public Schools	Amendment (Orginated 10/1/83)	Sole- Source	$8,411.64	$64.00 per credit hour plus fees and books
National Council of Negro Women JA/83602	10/1/84- 2/28/85	Cost Reimbursable To provide counseling and tutoring services to delinquent teenage girls	Renewal	Sole-Source	$45,969.58	$12.17 per client per day
Sasha Bruce Youthwork, Inc. JA/85478	01/01/85 - 9/30/85	Cost Reimbursable Foster care placement. Operate a program designed to divert alleged and committed delinquents from secure detention	Renewal	Exercised Option to renew under RFP	$167,046.75	$18,560.75 per month (estimated)
Bureau of Rehabilitation of the N. C. Area JA/84340	10/1/84 9/30/85	Firm Fixed Price/Cost Reimbursable Provide community-based group home, for care and placement for 10 adolescents in need of supervision	Renewal	Exercised Option to renew under RFP	$260,657.96	$21,721.50 per unit per month

ATTACHMENT #8

PROFESSIONAL SERVICES - FY 1984

YOUTH SERVICES ADMINISTRATION
PERSONAL SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
William C. Smith JA/[illegible]	10/1/83 9/28/84	Fixed Price Provide supervision to all students, volunteers, and interns in the area of housekeeping, maintenance, and grounds upkeep. He will also inventory, stock, and keep records on all office supplies, clothing, housekeeping, toiletries, and equipment supplies.	Initial	Sole Source	$15,860.00	$52.00 Per Day
Morris C. Whitaker JA/[illegible]763	10/1/83 9/30/84	Firm Fixed Price To bring the Commission on Social Services into compliance with transition recommendations to emancipate foster care youth at age nineteen instead of twenty-one.	Initial	Sole Source	$29,562.50	$2,463.54 Per Month
Robert Scott, Ph.D JA/84255	07/16/84 09/30/84	Fixed Price To develop comprehensive after-care case management procedures and plans.	Initial	Sole Source	$6,500.00	$260.00 Per Day
Dorothy V. Harris JA/84298	01/01/84 9/30/84	Fixed Price To extablish a Case Management Unit within the Youth Services Administration	Renewal	Sole Source	$27,750.00	$150,00 Per Day 5 days per week excluding holidays

YOUTH SERVICES ADMINISTRATION
PERSONAL SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Clifton Anderson JA/84705	10/1/83 9/30/84	Fixed Price Prepare court ordered screening reports and to provide mental health counseling services to the residents of the Receiving Home for Children	Renewal	Sole Source	$7,300.00	$14.04 Per Hour
Shelley K. Williams JA/84781	10/1/83 9/30/84	Fixed Price To develop an effective tracking and validation system to assist in bringing cases to final hearing (detained youth).	Initial	Sole Source	$26,000.00	$103.59 Per Day
Dr. Clifford P. Booker JA/84784	10/1/83 9/30/84	Fixed Price To provide physical examinations referrals for treatment and be available on sick call for children and adolescents at the Receiving Home for Children	Renewal	Sole Source	$24,960.00	$24.00 Per Hour
William Goldstein, M.D. JA/83776	10/1/83 9/30/84	Fixed Price To serve as Oak Hill's Psychiatric expert for the D.C. Superier Court. To furnish high quality psychiatric service	Initial	Sole Source	$20,800.00	$400.00 Per ten hour week for 52 weeks

YOUTH SERVICES ADMINISTRATION
PERSONAL SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Cornelia R. Lee JA/84181	07/01/84 09/30/84	Fixed Price To provide vocational and work experience programs in eight (8) skill areas for selected Oak Hill Youth Center residents	Initial	Sole Source	$2,548.00	$7.00 Per Hour
Karin Ann Barry JA/84500	12/5/83 5/1/84	Fixed Price To provide clerical assistance in handling correspondence, record keeping, scheduling and time-keeping in carrying out grant projects.	Initial	Sole Source	$2,240.00	$7.00 Per Hour
Thomas D. Carter JA/84647	10/1/83 9/30/84	Fixed Price Contractor shall assess service needs of youth being released from institutions, aftercare, and group homes.	Renewal	Sole Source	$31,200.00	$150.00 Per Day Four (4) Day
Margaret Beyer JA/84690	10/1/83 9/30/84	Fixed Price To develop Request for Proposal (RFP) for Community Services Programs that need to be implemented as a result of the closing of Cedar Knoll	Renewal	Sole Source	$26,450.00	$150.00 Per Day

TOTAL PROFESSIONAL SERVICES (FY 1984)	$221,170.50

NEGOTIATED SERVICES CONTRACTS FY 1984

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 – 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Sasha Bruce Youthwork, Inc. JA/83478	10/01/83 - 12/31/83	Firm Fixed Price Provides a program designed to divert alledged and committed delinquents from secure detention for males ages 7 to 18 and females ages 7 to 18.	Initial	RFP JA/83478	$ 54,741.68	$14.20 per client/day
Sasha Bruce Youthwork, Inc. JA/84478	01/01/84 - 09/30/84	"	Renewal	Exercise option to renew under RFP	$163,338.75	$12.33 per client/day
YMCA JA/83599	10/01/83 - 12/31/83	Fixed Price to provide (24) hour group home facility to committed female Persons In Need of Supervision (PINS).	Initial	RFP JA/83599	$ 53,750.00	$73.63 per person/per day
YMCA JA/84599	01/01/84 - 09/30/84	Fixed Price/Cost Reimbursable to provide (24) hour group home facility to committed females Persons In Need of Supervision (PINS).	Renewal	Exercise option to renew under RFP	$169,310.97	$77.31 per person, per day

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Associates for Renewal In Education JA/84711	3/1/84 9/30/84	Cost Reimbursable To provide a community based homelike atmosphere for detainees ages 14 through 17 as an alternative to institutionalization and help prevent and control incidence of juvenile delinquency.	Initial	RFP	$149,098.00	$41.04 Per Day/ Per Child
Center for Life Enrichment JA/84718	1/1/84 9/30/84	Firm Fixed Price To provide diagnostic and assessment services; family intervention and self esteem programs for youth committed to the Community Services Program	Initial	RFP	$75,600.00	$1,050.00 Per Month, Per Child
Associates for Renewal In Education JA/83088	10/1/83 1/31/84	Firm Fixed Price/Cost Reimbursable To provide a community based group home for care and placement of ten (10) adjudicated adolescent youths ages fifteen (15) through (17) who are in need of supervision.	Renewal	Exercise option under RFP	$70,000.00	$17,500.00 Per Month for 4 Months
Associates for Renewal In Education JA/84088	02/1/84 9/30/84	" " " " " " "	"	" "	$147,000.00	$18,375.00 Per Month for 8 Months

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Union Temple Baptist Church JA/84167	09/01/84 09/30/84	Firm Fixed Price To provide development and Training Programs for staff working with committed girls.	Initial	Sole Source	$20,939.48	Lump Sum Payment upon completion of contract.
SAJA Independence Road JA/84125	10/01/83 09/30/84	Firm Fixed Price The contractor shall provide services to youth in transition from dependency to independence.	Renewal	Sole Source	$225,508.00	11 equal installments of $18,792. and 1 installment of $18,792.37
Sentencing Services JA/84002	05/01/84 09/30/84	Firm Fixed Price Provide comprehensive treatment planning and diagnostic assessment services to clients committed to the community services program.	Initial	RFP	$24,975.00	Five equal installments of $4,995.00
Associates For Renewal In Education JA/84200	06/18/84 09/30/84	Cost Reimbursable Provide educational and self esteem building for each youth released from Cedar Knoll	Initial	Sole Source	$21,700.00	Estimated Cost Per Unit $1,085.50
Progressive Life Institute JA/84815	01/01/84 09/30/84	Firm Fixed Price To provide Family Intervention and treatment services for clients committed to the community services program.	Initial	Sole Source	$168,000.00	$4,000.00 Per Unit for 42 Units

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Sasha Bruce Youthwork JA/83344	10/01/83 - 05/17/84	Fixed Price To establish a group home for placement care and services of eight (8) committed female Persons in Need of	Renewal	Exercise Option to Renew under RFP/JA/81068	$131,106.08	$71.38 per client/per day
Sasha Bruce Youthwork JA/84344	05/18/84 - 09/30/84	Supervision (PINS) age 12 to 17 to be located at 1743 18th Street, N.W.	" "	" "	$100,978.22	$93.50 per youth per day
Living Stage Theatre Company JA/84818	01/01/84 09/30/84	Firm Fixed Price To provide individual self development and esteem building programs for clients committed to the Community Services Program.	Initial	RFP	$ 55,000.00	8 equal installments of $6,111.11 per month and one final installment of $6,111.12
Olympic Association, Inc. JA/84862	01/01/84 09/30/84	Firm Fixed Price To provide individual self development and esteem building programs for clients committed to the Community Services Program.	Initial	RFP	$ 20,109.00	8 equal installments of $2,234.33 per month and one final payment of $2,234.36
East of the River JA/84863	01/01/84 09/30/84	Firm Fixed Price To provide assessments and diagnostic evaluations for committed youth and to develop a specific individual plan of services and treatment for each youth.	Initial	RFP	$ 23,348.00	8 equal installments of $2,594.22 per month and one final payment of $2,594.24

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Tricom Training Institute JA/83331	10/01/83 05/17/84	Fixed Price To maintain two (2) group homes for care placement of twenty (20) male detainees	Renewal	Sole Source	$242,676.40	$52.85 per client per day
Tricom Training Institute JA/84331	05/18/84 09/30/84	Fixed Price To maintain two (2) group homes for care placement of twenty (20) male detainees	Renewal	Sole Source	$175,496.76	$69.17 per client per day
Bureau of Rehabilitation of the National Capital Area JA/83271	10/01/83 01/31/84	Fixed Price To provide community based homelike atmosphere to detained and delinquent population	Renewal	Exercise option to renew under RFP	$135,139.00	$57.53 per day per client
Bureau of Rehabilitation of the National Capital Area JA/84271	02/01/84 09/30/84	Firm Fixed Price/Cost Reimbursable To provide community based homelike atmosphere to detained and delinquent population	Renewal	Exercise option to renew under RFP	$625,897.36	$76.32 per day per client
Sasha Bruce Youth Work, Inc JA/84283	10/01/83 09/30/84	Firm Fixed Price To provide for a continuation of facilities for runaway youths in the District of Columbia	Renewal	Sole Source	$104,000.00	$104,000.00 cost per service unit
Bureau of Rehabilitation of the National Capital Area JA/83340	10/01/83 05/17/84	Fixed Price To provide a community based group home for care and placement for ten (10) adolescents	Renewal	RFP JA/83340	$131,256.60	$57.17 per client per day
Bureau of Rehabilitation of the National Capital Area JA/84340	05/18/84 09/30/84	Firm Fixed Price/Cost Reimbursable To provide a community based group home for care and placement for ten (10) adolescents	Renewal	Exercise option to renew under RFP	$ 96,978.04	$71.62 per client per day

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Tricom Training Institute JA/83470	10/01/83 12/31/83	Fixed Price To provide a twenty-four (24) hour home facility to committed female Persons in Need of Supervision (PINS).	Initial	RFP	$ 53,750.00	$58.90 per youth
Tricom Training Institute JA/84470	01/01/84 09/30/84	Firm Fixed Price/Cost Reimbursable To provide a twenty-four (24) hour home facility to committed female Persons in Need of Supervision (PINS)	Renewal	Exercise option to renew under RFP	$181,404.00	$66.27 per youth per day
Associates for Renewal In Education JA/83343	10/01/83 05/17/84	Fixed Price To establish a group home for shelter care placement of ten (10) male detainees age 15 through 17 years old	Renewal	Exercise option to renew under RFP	$119,810.70	$52.18 per day per client
Associates for Renewal In Education JA/84343	05/18/84 09/30/84	Cost Reimbursable To establish a group home for shelter care placement of ten (10) male detainees age 15 through 17 years old	Renewal	Exercise option to renew under RFP	$ 90,523.90	$24,402.00 per unit
Richmond Fellowship of America, Inc. JA/83342	10/01/83 05/17/84	Fixed Price To provide twenty-four (24) hour residential group home care placement services for ten (10) youths	Renewal	Exercise option to renew under RFP	$118,637.21	$49.65 per day per client
		identified in Public Law 91-358. The ten (10) adjudicated delinquent males are aged 15 - 17 years old.				
Richmond Fellowship of America, Inc. JA/84342	05/18/84 09/30/84	Firm Fixed Price/Cost Reimbursable Same as JA/83342	Renewal	Exercise option to renew under RFP	$87,804.32	$23,669.00 per unit

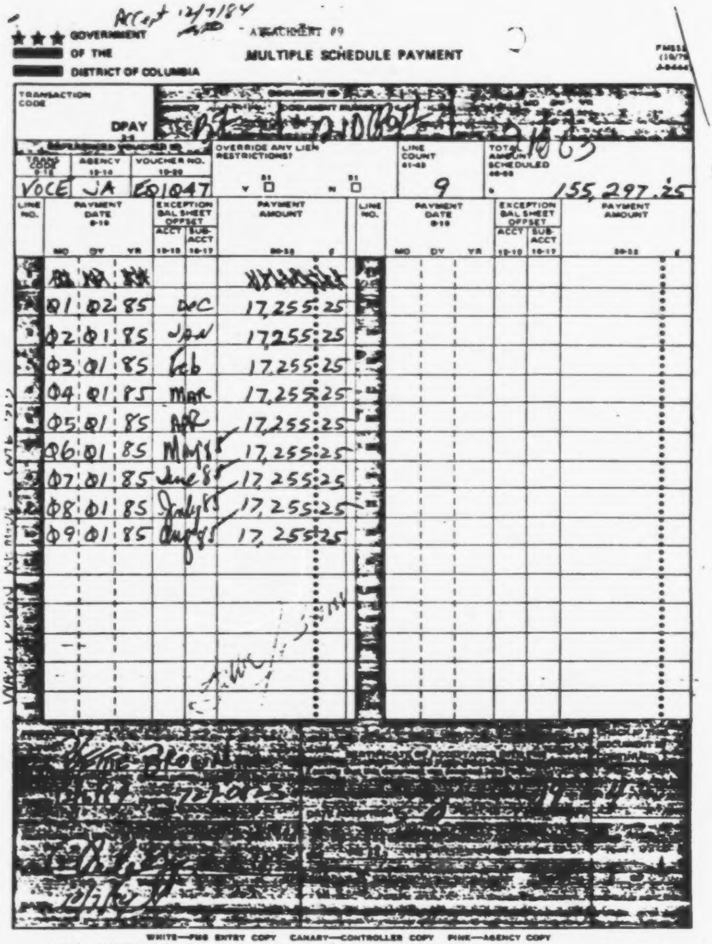
YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Washington Urban League JA/84801	10/01/83 - 09/30/84	Firm Fixed Price to serve as a centralized and city-wide intake office for the referral of Persons In Need of Supervision (PINS) and to direct alledged PINS from the Juvenile Justice System.	Initial	Sole-Source	$184,213.37	$16,746.67 per month
National Council of Negro Women JA/83602	10/01/83 - 09/30/84	Firm Fixed Price To provide supportive services to Persons In Need of Supervision(PINS) Females ages 10 through 17.	Initial	Sole-Source	$153,738.36	$512.46 per client per month
East of the River Health Association JA/84865	04/01/84 - 09/30/84	Fixed Price To provide Physician Assistants or Nurse Practitioners who will give supplementary health care services.	Initial	Sole-Source	$59,397.36	$12.92 per hour
Columbia Heights Youth JA/84814	01/01/84 - 09/30/84	Firm Fixed Price To provide individual self development and esteem building programs. for clients committed to the Community Services Program.	Initial	RFP	$40,000.00	Eight equal payments of $4,444.44 and a final payment of $4,444.48
Educational Support Services Services, Inc. JA/84817	01/01/84 - 09/30/84	Firm Fixed Price To provide educational assessment, educational advocacy, tutoring and in-home educational services for youth	Initial	RFP	$165,781.00	$16,377.77 for 6 mts $22,504.77 2 mts. final payment of $22,504.84

YOUTH SERVICES ADMINISTRATION
NEGOTIATED SERVICES CONTRACTS
10/01/83 - 09/30/84 (FY 1984)

CONTRACTOR	CONTRACT PERIOD	TYPE OF CONTRACT/ SERVICES PROVIDED	CONTRACT ACTION	BASIS OF AWARD	AMOUNT	UNIT COST
Bowie State College JA/83604	10/01/83 09/30/84	Fixed Price To provide courses which will aford the Cedar Knoll teachers proper training to bring them into compliance with minimun standards necessary for certification by the D.C. Public Schools.	Initial	Sole Source	$24,116.70	$2,188.00 Per Teacher Per Program
Lutheran Social Services JA/84816	01/01/84 09/30/84	Firm Fixed Price To provide Family Intervention and treatment services for clients committed to the Community Services Program.	Initial	Sole Source	$95,421.00	$3,817.00 Per Unit for 25 Units
Quincy Group Home Facility, Inc. JA/83600	10/01/83 12/31/83	Fixed Price/Cost Reimbursable to provide (24) hour group home facility to committed female Persons In Need of Supervision (PINS)	Initial	RFP	$48,600.47	$66.58 per person, per day
Quincy Group Home Facility, Inc. JA/84600	01/01/84 09/30/84	"	Renewal	Exercise option to renew under RFP	$150,284.61	$68.81 per person, per day

TOTAL NEGOTIATED SERVICES (FY 1984) $4,959,430.34



Accept 12/7/84

ATTACHMENT #9

GOVERNMENT OF THE DISTRICT OF COLUMBIA

MULTIPLE SCHEDULE PAYMENT

TRANSACTION CODE DPAY

DOCUMENT ID [illegible] 210863

TRANS CODE	AGENCY	VOUCHER NO.	OVERRIDE ANY LIEN RESTRICTIONS?	LINE COUNT	TOTAL AMOUNT SCHEDULED
VOCE	JA	E01047	Y ☐ N ☐	9	155,297.25

LINE NO.	PAYMENT DATE MO	DY	YR	EXCEPTION BAL SHEET OFFSET ACCT	SUB-ACCT	PAYMENT AMOUNT
[illegible]	~~[illegible]~~	~~[illegible]~~	~~[illegible]~~			~~[illegible]~~
[illegible]	01	02	85		DEC	17,255.25
[illegible]	02	01	85	JAN		17255.25
[illegible]	03	01	85	Feb		17,255.25
[illegible]	04	01	85	Mar		17,255.25
[illegible]	05	01	85	APR		17,255.25
[illegible]	06	01	85	May 85		17,255.25
[illegible]	07	01	85	June 85		17,255.25
[illegible]	08	01	85	July 85		17,255.25
[illegible]	09	01	85	Aug 85		17,255.25

WHITE—FMS ENTRY COPY CANARY—CONTROLLER COPY PINK—AGENCY COPY

★ ★ ★ GOVERNMENT
OF THE
DISTRICT OF COLUMBIA

ATTACHMENT #10

. VOUCHER

FMS430
(10/79)
3 PAGES

TRANSACTION CODE 3-6 (Check One)

	ENTER		MODIFY		CANCEL	
ORDER/CONTRACT	(VOCE)	☒	(VOCM)	☐	(VOCX)	☐
MISCELLANEOUS	(VMSE)	☐	(VMSM)	☐	(VMSX)	☐
INTRA-DISTRICT	(VIDE)	☐	(VIDM)	☐	(VIDX)	☐

FUND 16-18: 100

DATE OF VOUCHER (MO DY YR): 2 | 11 | 85

AGENCY 7-8: JA

VOUCHER NO. 9-14: E01047

DISCOUNT AMOUNT: $.

DISCOUNT DATE (MO DY YR):

D4 LAST RECEIPT DATE (MO DY YR): 12 | 31 | 84

D5 YEAR-END ADJ PERIOD (YR MO):

OFFSET LIABILITY ACCOUNT:

D1 ID: TYPE | NUMBER 0 7 2 6 4 6 7 5 5 | ADDRESS CODE 0 0

D2 NAME: Washington Urban League, Inc.
3501 14th St., N. W.

D3 ADDRESS: City & State Wash., D. C. Zip 20010

D6 FUND | AGENCY | RESP CENTER | MRU | REVENUE SOURCE | JOB

LINE NO.	AGY	RESP CTR PROJ/PHASE	MRU SUB-PROJ	OBJ	SUB-OBJ	REPTG CATG DIST	REPTG CATG AGENCY	JOB	ACTIVITY	TRANS CODE	AGY	DOC. NUMBER	REF LINE NO.	PART/FINAL IND. (check one)	INVOICE NO.	F I P	±	RETAINAGE AMOUNT	±	LINE AMOUNT
001	JA	YSCR	01	501	17		APPR			CNTE	JA	35801	001	P ☒ F ☐	002-85				+	20,669 75
														P ☐ F ☐						
														P ☐ F ☐						
														P ☐ F ☐						
														P ☐ F ☐						

DESCRIPTION

Payment for services rendered cost reimbursable for the period of December 1-31, 1984

D8 TOTAL RETAINAGE: | ± + TOTAL AMOUNT: 20,669 75

APPROVED FOR PAYMENT Shirley White
CONTRACT ADMINISTRATOR

PREPARED BY: TO INCLUDE CERTIFICATION OF RECEIPT OF GOODS ☐

NAME Shirley White

PRE-AUDIT CERTIFICATION

DO NOT PROCESS

WHITE—FMS ENTRY COPY CANARY—AGENCY ACCOUNTING OFFICE COPY PINK—CONTROLLER COPY GOLDENROD—AGENCY USE

ATTACHMENT #11

Washington Urban League, Inc.

Betti S Whaley
President

JAN 3 1985
INVOICE No. 02

cember 31, 1984

Ms. Shirley White
Contract Administrator
mission on Social Services
th Services Administration
00 Mt. Olivet Road, N.E.
shington, D.C. 20002

RE: PINS Center Grant JA/85801

Dear Ms. White:

Pursuant to your determination letter dated November 26, 1984 please accept the attached as a request for reimbursement of $20,669.75 for the month of December 1984.

We would greatly appreciate your assistance in expediting this payment and should you need additional information please advise.

Sincerely,

Michael McCord

Michael McCord
Director of Finance
and Contract Compliance

Attachment

MMC/sar

Certified Correct: Shirley White

3501 Fourteenth Street, N.W.
Washington, D.C. 20010
(202) 265-8200

WASHINGTON URBAN LEAGUE, INC.

PINS CENTER EXPENSES

DECEMBER 1984

SALARIES	$ 11,637.14
FRINGE BENEFITS	1,400.92
FICA TAXES	779.69
SHELTER	2,144.00
POSTAGE/COMMUNICATIONS	170.00
LOCAL TRAVEL	150.00
SUPPLIES	250.00
INDIRECT COST/OVERHEAD	4,138.00
TOTAL DUE	$ 20,669.75

OK
Please type
5/7/86

ATTACHMENT #12

Automatic Payment System

The Multiple Schedule Payment System (MSPS) or Automatic Payment System (APS) is a mechanism internal to the Fiscal Accounting Division that is used to establish a series of payments for a single vendor. A predetermined amount of funds is set aside on a single voucher: and by activiting a schedule of equal payments against these funds, with targeted pay dates, a series of checks are generated automatically.

Its purpose is to provide a vendor with a steady cash flow, at a level payment over some specified period of time within the life of a contract. In return, the vendor must support these payments by submitting the required invoices/vouchers that reflect the billing periods paid on the system.

The schedule (series) of payments is developed through a cooperative effort between FAD and the Contract Administrator. FAD's experience has shown that a more accurate level of payment can be derived from the Contract Administrator's assessment of a vendor's billing history.

The obvious drawback to this mechanism is that in many instances (other than with firm fixed priced contracts) there is a variation between the actual billings and payments. FAD uses two approaches to offset these "imbalances". First, the multiple schedule is never established for the full life of the contract (the exception, in some instances, being the firm fixed price contract). Depending upon the billing cycle specified in the contract (monthly or bi-weekly) either one monthly billing period or two bi-weekly billing periods near the end of the contract will be omitted from the multiple schedule. This approach is most advantageous in responding to any unusual situations that might arise in the last quarter of the fiscal year. Second, each staff technician overseeing contract payments is required to reconcile his/her multiple schedule contracts quarterly to ensure that we routinely maintain a balance between the payments and the actual bills. A reconciliation report is prepared showing the individual payments issued versus the actual bills received. Variations on these individual payments are noted for specific billing periods, and cumulative total is calculated for the entire quarter being examined. A standard transmittal letter is issued to the appropriate Contract Administrator indicating the nature of the variation. This would include non-receipt of invoices/vouchers as well as underpayments or overpayments.

In many instances, the resulting action (by FAD) may be an adjustment check to the vendor for an underpaymnet, or an adjustment to a forthcoming voucher for an overpayment situation. If a variation has been large and consistent enough, an upward or downward adjustment is made to the multiple schedule to more consistently reflect the vendor's billing history. In extreme cases, the multiple schedule may be cancelled.

★ ★ ★ GOVERNMENT
OF THE
DISTRICT OF COLUMBIA

ATTACHMENT #14

VOUCHER

FMS430
(10/79)
J-84083

D1 TRANSACTION CODE 5-6 (Check One)

	ENTER	MODIFY	CANCEL
ORDER/CONTRACT	(VOCE) ☐	(VOCM) ☐	(VOCX) ☐
MISCELLANEOUS	(VMSE) ☐	(VMSM) ☐	(VMSX) ☐
INTRA-DISTRICT	(VIDE) ☐	(VIDM) ☐	(VIDX) ☐

FUND 10-10: 100
DATE OF VOUCHER (MO DY YR): 2 19 85
VOUCHER ID — AGENCY: JA — VOUCHER NO.: E01777

DISCOUNT AMOUNT 37-50: $
DISCOUNT DATE 41-46 (MO DY YR):
D4 LAST RECEIPT DATE (MO DY YR): 2 19 85
D5 YEAR-END ADJ PERIOD (YR MO):
OFFSET LIABILITY ACCOUNT:

VENDOR
D1 ID: TYPE ___ NUMBER 077646755 ADDRESS CODE 00
D2 NAME: WASHINGTON URBAN LEAGUE (PINS)
D3 ADDRESS: 3501 14th Street, N.W
WASH. DC 20010

D5 INTRA-DISTRICT SELLER ONLY: FUND — AGENCY — RESP CENTER — MRU — REVENUE SOURCE — JOB

LINE NO.	AGY	RESP CTR PROJ/PHASE	MRU SUB PROJ	OBJ	SUB-OBJ	REPTG CATG DIST	REPTG CATG AGENCY	JOB	ACTIVITY	TRANS CODE	AGY	DOC NUMBER	REF LINE NO.	PART/FINAL IND.	INVOICE NO.	P I P	Σ	RETAINAGE AMOUNT	Σ	LINE AMOUNT
1	JA	ACS	01	30	17		APX			CME	JA	585801	1		Adj.				+	3414 50

DESCRIPTION

To Adjust December '84 Payment:
Invoiced Amt. → 29,669.75
Adj Payment → 17,255.25
Amt. Due $ 3414.50

RID - 2/28

D6 TOTAL RETAINAGE: — TOTAL AMOUNT: + 3414 50

PREPARED BY: (TO INCLUDE CERTIFICATION OF RECEIPT OF GOODS) ☐
NAME: Bettie Brown
DATE: 2/19/85
PHONE: 727-0823

PRE-AUDIT CERTIFICATION
EXAMINED BY:
DATE: 2/20/85

CERTIFICATE OF ACCEPTANCE INTO FMS
DATE ACCEPTED: 2/27/85

CHECK IF THIS DOCUMENT IS CONTINUED ☐
PAGE 1 of 1

WHITE—FMS ENTRY COPY CANARY—AGENCY ACCOUNTING OFFICE COPY PINK—CONTROLLER COPY GOLDENROD

GOVERNMENT OF THE DISTRICT OF COLUMBIA ATTACHMENT #15

VOUCHER

FM5430
(10/79)
J 84083

D1 TRANSACTION CODE (Check One)

	ENTER	MODIFY	CANCEL
ORDER/CONTRACT	(VOCE) ☒	(VOCM) ☐	(VOCX) ☐
MISCELLANEOUS	(VMSE) ☐	(VMSM) ☐	(VMSX) ☐
INTRA-DISTRICT	(VIDE) ☐	(VIDM) ☐	(VIDX) ☐

FUND: 100

DATE OF VOUCHER: MO 9 DY 30 YR 85 ~~[illegible]~~

AGENCY: JA

VOUCHER NO.: E22319

DISCOUNT AMOUNT: $

DISCOUNT DATE: MO DY YR

D4 LAST RECEIPT DATE: MO 9 DY 30 YR 85

D5 YEAR-END ADJ PERIOD: YR MO

OFFSET LIABILITY ACCOUNT:

D1 ID: TYPE NUMBER 041276718 ADDRESS CODE 90

D2 NAME: Lt.Joseph P.Kennedy Institute

D3 ADDRESS: 801 Buchannan St.N.E. City & State Wash.D.C. Zip 20001

D6 FUND AGENCY RESP CENTER MRU REVENUE SOURCE JOB

B1

LINE NO.	AGY	RESP CTR PROJ/PHASE	MRU SUB PROJ	OBJ	SUB-OBJ	REPTG CATG DIST	REPTG CATG AGENCY	JOB	ACTIVITY	TRANS CODE	AGY	DOC NUMBER	REF LINE NO.	PART/FINAL IND.	INVOICE NO.	P I P	±	RETAINAGE AMOUNT	±	LINE AMOUNT
01	JA	MRSC	01	501	15		APPR			CNTE	JA	85270	1		8213WAC-12-85			Sept.		$15,582.60
2	JA	MRSC	01	501	15		APPR			cnte	JA	85270	1					Aug.	+	12,394.80
									Less overpaymt						APS				−	23,642.00

DESCRIPTION

Payment for services rendered under contract JA/85270 for the period of Sept.1,1985 thru Sept.30,1985.

Aug 1 - 30

D6 TOTAL RETAINAGE:

TOTAL AMOUNT: 4,335.40

APPROVED FOR PAYMENT

Willie S. Hodge

WILLIE S.HODGE,ADMIN.OFFICER,MRDDA/CSC

D6 PREPARED BY: T.S. HMS

TO INCLUDE CERTIFICATION OF RECEIPT OF GOODS ☐

DATE: 9/30/85

PHONE: 673-7497

DEPARTMENT O

______ (DHS Use Only)
Date Received

INVOICE FORM

3(11.84)

BILLING PERIOD From 9/1 to 9/30 19 85

CONTRACT NUMBER JA-85270 / 213-WAC-12-85

CONTRACTOR'S NAME Lt. Joseph P. Kennedy Inst.

SERVICE Vocational Workshop

INVOICE NUMBER ______

DUNS No. ______

	(1) TOTAL DHS BUDGET	(2) YTD EXPENDITURES	(3) EXPENDITURES THIS PERIOD
1. SALARIES AND WAGES	$1[illegible],913	$103,190.95	$8,851.40
2. FRINGE BENEFITS	[illegible],720	18,981.00	1,521.00
3. CONSULTANTS/EXPERTS	720	610.00	50.00
4. OCCUPANCY	25,344	22,076.00	1,800.00
5. TRAVEL AND TRANSPORTATION	765	696.15	60.00
6. SUPPLIES & MINOR EQUIPMENT	3,896	4,262.50	400.00
7. CAPITAL EQUIPMENT & OUTLAYS	000	0.00	0.00
8. CLIENT COSTS	000	0.00	0.00
9. COMMUNICATIONS	1,801	1,512.00	108.00
10. OTHER DIRECT COST	5,179	4,673.00	350.00
11. INDIRECT COST/OVERHEAD	29,495	27,366.20	2,440.20
SUBTOTAL BEFORE FEE			
12. FEE (______ % OF SUBTOTAL)			
13. TOTAL	$213,640	$183,367.80	$$$$5882600

CONTRACTOR'S CERTIFICATION: I certify that the amounts claimed are true and are fully supported by the detailed accounting records of my organization, which are available for examination and/or audit.

______ Authorized Signature

9/28/85 Date Submitted

I certify that this invoice is in accordance with all contract terms and is approved for payment by: (Submit with FMS 430)

9/30/85

CONTRACT ADMINISTRATOR

PROGRAM OFFICIAL

9/30/85 DATE

Distribution Copy No. 2

ATTACHMENT #16

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
WASHINGTON, D. C. 20001

IN REPLY REFER TO:

Office of the Controller
801 N. Capitol Street, N.E.

De Rut Lyles

be advised that Contract No. JA185270, for Kennedy Inst. has been reconciled for the period [illegible]. The result of this reconciliation is ted below.

[✓] An overpayment of $22,522.02 has been made to the contractor. This amount will be adjusted from future payments on the contract.

An underpayment of $_______ to the contractor has occurred. This amount will be reimbursed to the contractor via an adjustment voucher.

( ) The contractor has been paid on the Multiple Schedule Payment System (MSPS) for _______ pay periods for which this office has not received substantiating documents. If these documents are not received within ten (10) days of the date of this letter, the MSPS schedule will be cancelled and all payments to the contractor suspended. The amounts paid on the MSPS will automatically become overpayments reimbursable to the Department.

( ) The above contract expired on _____________. Since no further bills have been received and/or the contractor is not due any further payments, the balance of the contract funds is scheduled for deobligation.

Very truly yours,

Charles E. Jefferson
Supervisor, Financial Control
Branch

ATTACHMENT #17

Bernard K. Jarvis
Controller

Human Services
Controller

Robert H. Allison
Deputy Controller

MAY 23 1985

Preliminary Audit Report, Tricom Training Institute, N.S.C. JA/484770 and N.S.C. JA/83341

The Department of Human Services, (DHS) Youth Services Administration, (YSA) entered into negotiated services contracts with Tricom Training Institute (Tricom) to provide three (3) twenty-four (24) hour group home facilities to committed male Persons In Need of Supervision (PINS).

The purpose of the audit was to review the contractors and YSA records to determine if the contractor invoiced DHS in accordance with the terms and provisions of the contract.

The review of the contractors records included the general ledger; payroll journal; voucher preparation files, accounts payable and receivable files; lease and rental agreements; cash receipts and disbursements; bank statements; cancelled checks and client population records.

The DHS records reviewed were YSA client referral records, Automatic Payment System invoices and FMS payment records.

Findings:

1. Food Purchases

   Each week, a Residential Counselor receives a check for $619.50 for food purchases. The counselor cashes the check and on Friday or Saturday, grocery shops for the three group homes.

   The accounting for the food purchases is the cash register tape that the counselor receives and forwards to the corporate office. All grocery purchases are made at local grocery stores except for an occasional purchase from the Capitol Area Community Food Bank, for purchases such as cases of vegetables.

The cash register tapes were said to be grouped by month of purchase. In some instances the name of the Youth Group Home wa indicated on the back of the tape, but this was the exception.

A review of the cash register tapes revealed the following:

a) In several cases, according to the tape, Food Stamps were tendered as payment in lieu of cash.

(1) 4/17/83. Plus Store, Suitland, Md.
Paid a bill for $35.23 with $35.00 of food stamps and $.23 cash.

(2) 3/13/84 - Shoppers Food Warehouse, Capitol Heights, Md.
Paid a bill for $79.37 with $80.00 in food stamps (copy of tape attached Exhibit A).

b) On 1/22/83 and 5/18/83 included in the food receipts were EXXON gas tickets for $10.00 each.

c) On 5/12/84 two purchases from Giant Foods, Minnesota Ave., N.E. were paid by check, $5.81 and $10.50, not Tricom checks.

d) On 4/7/83 included in food purchases was a receipt from Lerner Stores, Store No. 0302, Hyattsville, Md. for $21.40 for the purchase of Hosiery and Loungeware.

e) A cash register tape from Giant Food, Coral Hills, dated 1983 (month torn off) in the amount of $19.87 was for the purchase of diapers; playtex bottles and baby food (Exhibit B).

f) The dates on the tapes do not always correspond with the month and year in which the tapes were grouped, i.e., 1983, 1982 and 1971 when the tapes were grouped in a 1984 month.

g) Cash register tapes do not always show the name of the store where the purchases were made.

h) On some tapes the date of purchase did not show or was cut or torn off of the tape, a sample listing is Exhibit D.

Tricom does not buy in bulk from a food supplier, does not have a purchase order system for purchases and has poor control over expenditures and inventory.

A review of the food purchasing system indicates that piecemeal purchases are costly and time consuming for staff.

The $619.50 check given to the counselor(s) is recorded on Tricoms' books as a debit to food expense of $206.50 to each Youth Group Home. The $619.50 is not reconciled to the cash register tapes by Tricom.

2. Payroll

   a. The contractors payroll check register for the period ending 5/24/84 was not in agreement with the actual cancelled payroll checks. Fifteen employees received amounts from $4.31 to $96.15 more than the net pay due the employee according to the payroll check register (WP-PR-1).

3. Insurance

   a. A life insurance premium of $214.00 was paid to the Berkshire Life Insurance Co. on behalf of Joanne F. Dale, Policy No. 766083, check number 5767, June, 1984. Information on hand does not show Ms. Dale as an officer of the company.

4. Advertising

   a. An invoice from the Washington Post for classified advertising, paid by Tricom check number 5641 dated 5/23/84, was for rental of Bethany Beach property. Another invoice for the same thing was paid for by Tricom check number 4032. (Exhibit C).

5. Allowance

   a. That contractor be disallowed all costs for allowances until such time contractor can submit to DHS/YSA a detailed listing of allowance expenses. The listing is to be submitted within thirty days of receipt of this report, if DHS/YSA does not receive such listing, contractors current (1985) vouchers will be reduced by the amount determined by DHS/YSA.

6. Attendance/Population

   a. The contractor was overpaid $15,000 for services during the period 5/18/83 to 5/17/84 for the Kennedy Shelter and $10,675 for the Harvard Shelter (NSC Article VII; WP5 and 2).

   b. The contractor invoiced incorrectly for the 9th and 10th resident in the shelter per month.

   c. A review of the Harvard Shelter November, 1983 invoice submitted by the contractor disclosed that DHS was billed for services rendered to the 9th and 10th clients, even though the contractor never had over eight clients during the month.

   d. In comparing the daily population from the contractors invoices, eleven residents were in the Kennedy Shelter at various times during the month.

   e. Record keeping at the shelters is sporadic making it difficult to reconcile the daily population with the monthly billings; population reports and other population logs.

Recommendations

1. Food Purchases

   a. That contractor return to DHS those monies that can not be substantiated because of missing dates of purchase in the amount of $1,708.71 (Exhibit D).

   b. That contractor return to DHS $19.87 for the purchase of baby food.

   c. That contractor explain the use of food stamps for the purchase of food when monies are issued to counselor for purchase of food, and the cost be disallowed.

   d. That contractor require counselors to maintain accurate records of food purchases, by group home, and account for purchases on a monthly basis.

   e. That contractor review and verify the amount of food purchase prior to billing DHS and maintain separate records for food purchases for each group home.

f. That contractor initiate a centralized purchasing system to take advantage of bulk purchase discounts and overall accountability of food purchases to minimize food costs.

g. That contractor offer an explanation for the missing dates on food purchase receipts which were torn off. (Exhibit D).

2. Payroll

That contractor account for the difference between the net amount payable to employees per the payroll register and the actual mount of the checks written and cashed for the pay periods of 5/24/84 and 6/7/84.

3. Advertising/Insurance

a. That contractor return to DHS/YSA $38.40 for advertisement costs for non-corporate expenses such as advertising of Bethany Beach property, sofa and sale of Arlington home.

b. That contractor separate private expenses from corporate expenses. This will preclude private expenses from becoming part of the contractors base when negotiating for a per day per client rate based on total corporate expenses.

4. Attendance/Population

a. That contractor be required to reimburse DHS/YSA for overcharges of $15,000 for the Kennedy Shelter and $10,675 for the Harvard Shelter (NSC Article VII).

b. That contractor maintain attendance/population records to properly reflect the actual population and amounts invoiced.

5. Allowances

General

a. The DHS/YSA increase their monitoring frequency and expand the monitoring to include such tests as daily controls, especially client discharges; inventories of food; daily menus; jantorial services and attendance of contractor's personnel.

b. DHS/OC examine the accounting records of Tricom on a quarterly basis to insure the contractor is maintaining the accounting records recommended.

Summary/Conclusion

a. The Federal Withholding Taxes, F.I.C.A. and D.C. withholding taxes were paid by the contractor and were current as determined by review of S.S. Forms 941's; D.C. returns and cancelled checks.

b. Payments to contractors' insurers for liability, automobile and fire insurance indicated the insurance coverage required by the terms of the contracts was in force and at the amounts required.

c. The DHS/YSA does not maintain a record of when the clients were removed from the group homes, only a record of those placed in the homes.

d. A summary of disallowed expenses as follows:

Food Purchases	$1,808.58
Advertising	38.40
Attendance	25,675.00
Allowances (To be determined)	N/A
Total	27,521.98

The above amount is subjected to be reduced from current (1985) vouchers submitted by contractor.

DHS/OC/PAD/R.Easterbrook/jv/5/16/85
PAD File
PAD Audit File

D.C.-46
APRIL 1980 ATTACHMENT #18

X-Ref. 46780 OIC

Memorandum

Government of the District of Columbia

TO:	David E. Rivers, Director Department of Human Services	**Department, Agency, Office:**	Executive Office of the Mayor Inspector General
FROM:	Vernon S. Gill, Acting The Inspector General VGill	**Date:**	SEP 18 1985

SUBJECT: Response to Request for Investigation of Youth Shelter Homes Managed by TRICOM Training Institute

Attached is a copy of our "Report of Investigation of Alleged Contractual Agreement Improprieties in Youth Shelter Homes". This is in response to your memorandum of April 4, 1985 requesting an investigation by this office. In reading your request for an investigation by the Office of the Inspector General of Youth Shelter Homes managed by TRICOM Training Institute and the documents attached thereto, we noted that your Office of Inspection and Compliance, Internal Affairs Division conducted an investigation and issued a report on allegations made in an initial letter of complaint. In addition, as a result of the findings of that investigation, an audit was performed by your Office of the Controller, Financial Audit Division. Further, the allegations in this case were repeated in a second letter of complaint.

To avoid any duplication of effort in addressing the allegations, we waited for the completion of the audit by your Office of the Controller and conducted a thorough comparative review of the allegations in both complaint letters with the matters covered in the reports on the investigation and the audit by your departmental staff.

Our review disclosed that all matters under the purview of the Department of Human Services and the Office of Inspector General were addressed and the findings and recommendations are sufficient to identify the appropriate action, if any, which should be taken. Further investigation or audit by this office is deemed unnecessary at this time.

We are referring the allegation of sex abuse of the residents to the Metropolitan Police Department in accordance with Section 6-2104, D.C. Code.

Please let us know what action is taken on these matters and if we may be of further assistance.

Attachment

cc: Thomas Downs, City Administrator/Deputy Mayor for Operations

PHOUS-?12

OIG No. 8562-24

Report of Investigation of Alleged Contractual Agreement Improprieties in Youth Shelter Homes

SEP 19 1985

Department of Human Services

Basis for Investigation

This investigation was performed in response to a request from David E. Rivers, Director, Department of Human Services (DHS) that the Office of the Inspector General (OIG) conduct an investigation into allegations of improprieties in fulfilling contract obligations and mismanagement of funds provided for the care of youths in shelter homes managed by TRICOM Training Institute (TTI).

The request was accompanied by two attachments. The first included a report of investigation, No. 475-84-10, conducted by DHS' Office of Inspection and Compliance, Internal Affairs Division (DHS/OIC) and an undated letter addressed to Mayor Marion Barry from a TTI employee. The second attachment was a letter, dated March 22, 1985, from a TTI employee and addressed to the Chief of OIC. Each letter contained several allegations of funds mismanagement, negligence in providing basic needs of DHS wards, salary underpayments to TTI employees and internal staff problems with management.

Purpose and Scope

In light of DHS action that had already been taken or was underway, the DHS/OIC investigation and a DHS audit by the Office of the Controller, Financial Audit Division (FAD), OIG conducted a review and evaluation of reports and records pertaining to this matter and TTI's contract with DHS in order to determine whether further investigation of the allegations was indicated.

This review covered Negotiated Services Contract No. J/A 83341 for the period of 5/18/83 to 5/17/84 between TTI and DHS; IAD report No. 475-84-10; a preliminary audit report which was later designated final by the Fiscal Accounting Division (FAD) of DHS' Office of the Controller, Title 22, Chapter 34 of the District of Columbia Municipal Regulations governing Community Residential Facilities; records of the Department of Consumer and Regulatory Affairs (DCRA), and the D.C. Code.

The allegations contained in the letter to Mayor Barry were addressed by the DHS/OIC investigation and the FAD audit, and of the eleven alleged violations, all but two were sufficiently covered to preclude need for further investigation of the matters. The two that were not sufficiently covered concerned alleged sex abuse of residents and a senior staff member living in one of the homes. Therefore, OIG did further analysis on these two allegations and the allegations in the second letter of complaint.

Background

TTI, a non-profit corporation, contracted to provide home-like residential placement for twenty male wards of the District of Columbia in shelter homes located at 1444 Harvard Street N.W. and 929 Kennedy Street, N.W. The estimated cost of basic needs, recreation, education, personal cash allowances, transportation, and adult care and supervision for the residents was factored into TTI's proposed budget summary. A fixed daily rate of $52.85 per resident was agreed upon and incorporated into the contract.

TTI filed its annual report with the Business Regulation Administration of DCRA April 15, 1983. David M. Dole of 2768 N. Randolph Street, Arlington, Virginia is president, Wilbert J. Lewis of 1501 16th Street, N.W. is registered agent and Gloria H. Rease of 400 Mt. Vernon Avenue, Alexandria, Virginia is secretary.

Youth Services Administration has the responsibility of ng and enforcing contract compliance.

of Findings

first allegation in the letter addressed to Mayor Barry was that it was 'rumored' that some male TTI staff members gaged in illicit sex relations with the residents. This matter forwarded to the Metropolitan Police Department for to its Youth Division since the primary responsibility tiating child abuse investigations rests with the police ording to D.C. Code Title 6, Section 2104.

The second allegation in the first letter was that "a senior ff member of TTI has been living in one of the group homes for one year". This review disclosed that there is nothing in contract that prohibits a staff member from residing in a helter home. The D.C. Municipal Regulations in Title 22, Chap- 34 on Community Residence Facilities require the Residence ector to "be present in the community residence facility and within call of the residents at all times or assign his or her es... to an individual who is at least twenty-one (21) years age...." Therefore, the fact that a staff member may be living at the facility would not, in and of itself, be a violation of the contract or D.C. regulations.

The remaining findings relate to our analysis of the extent o which the allegations in the letter dated March 22, 1985 (second letter) have been addressed by the DHS/OIC investigation nd the FAD audit.

The first allegation in the March 22, 1985 letter was that the writer was paid a lower salary than TTI receives from DHS for the position. There are no specific salary amounts for each employee of TTI in the contract. Furthermore, the FAD audit did not show any salary underpayments to employees. The only payroll discrepancy shown was that TTI's check register for the period ending 5/24/84 was not in agreement with the actual cancelled payroll checks, and fifteen employees received amounts ranging from $4.31 to $96.15 more than the net pay due to the employee according to the payroll check register.

The second allegation was that food was not being provided in accordance with the contractual agreement. The FAD audit substantiated that there were discrepancies in food purchases and the IAD investigation concluded that food was often in short supply.

The third allegation was that residents did not always get their spending and clothing allowances. Both the IAD investigation and FAD audit addressed the allegations and it was determined that TTI had no records to disclose how much each resident received in personal and clothing allowances. IAD's investigation further disclosed that where receipts were furnished, several expenditures for clothing "exceeded the $30 limit". Although the clothing allowance is factored into the budget at $30 per child per month, the contract places no obligation to make a $30 expenditure each month for each resident.

The fourth allegation was that vehicular transportation and tokens were not provided to residents as contractually agreed. Again, the contract does not specify the number of vehicles nor time or purpose of availability for use. The dispensing of school tokens was not addressed in the IAD investigation or the FAD audit. TTI's budget proposal included school tokens at $4 per month for each child. An inordinate amount of time would be needed to establish an amount of money misspent due to shelter homes running our of tokens from time to time, therefore further investigation was not undertaken by OIG.

fifth allegation was a general complaint that toilet
table setting supplies and linens were in short supply
shelters. The DHS/OIC investigation concluded that TTI
failed to provide such supplies to DHS wards.

final allegation concerned TTI's internal staff/manage-
ent problems and ineffective monitoring by DHS' Youth Services
dministration (YSA). The internal staff problems with manage-
en not come under the purview of DHS as contract administra-
were not addressed by DHS investigators and auditors.
plainant alluded to improper firings and hirings, however,
omplainant further states that the matter was discussed with
man Rights and an attorney".

The FAD audit cited the greatest monetary loss to the
ict of Columbia in the area of inaccurate residential popu-
n census reporting and record keeping, and recommends that
SA increase the frequency and scope of the site visits by moni-
rs to insure that residents are accounted for and that supplies
r their basic needs are available. Article VII of the contract
outlines the Payment/Invoice procedures with sufficient speci-
ity to insure non-payment to contractor when appropriate
eipts or documentation are not submitted with invoices.

Conclusion

The DHS/OIC investigation and the FAD audit, in addressing the allegations in this case, have adequately identified areas where TTI is lax or negligent in carrying out its contractual obligations to DHS. OIG finds no uncovered allegations that warrant further investigation by DHS or OIG at this time. We are referring the allegation of sex abuse of the residents (the first allegation in the initial letter) to the Metropolitan Police Department in accordance with Section 6-2104, D.C. Code.

Recommendation

OIG recommends that appropriate DHS officials review the extent of action taken to comply with the recommendations of the DHS/OIC investigation and the FAD audit of TTI to determine whether further action or follow-up are needed to correct all problems identified in those reports.

D.C.-44
[illegible]

ATTACHMENT #19

Memorandum ● **Government of the District of Columbia**

TO: Bernard K. Jarvis
Controller

Department, Agency, Office: Human Service
Controller

FROM: Robert M Allison
Robert M. Allison
Deputy Controller

Date: NOV 2 1 1985

SUBJECT: Audit Report of ARE, Inc. Dupont I contract JA-84343

Transmitted herewith is the audit report for ARE, Inc. Dupont I program. If you approve of the report, I will arrange for a meeting with the appropriate DHS program personnel and forward a copy to the contractor.

OK

11/13/85

AUDIT REPORT

ASSOCIATES FOR RENEWAL IN EDUCATION

Department of Human Services
Office of the Controller
Internal Audit - FAD

BACKGROUND

Associates for Renewal in Education, Inc. (ARE, Inc.) is a registered non-profit corporation organized under the laws of the District of Columbia. ARE, Inc. provides training for teachers, parents and the community, research and development of training materials, group home services, day care services, curriculum planing and design of educational programs for the D.C. Public Schools and other institutions.

ARE, Inc. provides services under contract to several D.C. agencies. DHS currently has six negotiated services contracts with ARE, Inc. amounting to $1,178,964. This audit report relates primarily to the Dupont I Program (NSC JA 84343) which provides for ARE, Inc. to operate a group home located at 1728 P Street, N.W. for persons between the ages of fifteen and seventeen, in need of supervision (PINS).

SCOPE OF AUDIT

Our review was performed in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the U.S. Comptroller General, and included such tests as necessary. The audit covered the period from May 18, 1984 through March 3, 1985.

The audit was performed to determine the accuracy and reliability of the contractor's accounting records and to assure that the costs claimed by the contractor were proper and in conformity with contract provisions.

FINANCIAL

The following is a financial summary of the contractual costs reviewed

Item	Amount Invoiced	Amount Paid
Salaries	$ 108,643.72	$ 108,643.72
Fringe Benefits	20,851.85	20,851.85
Consultants	1,671.00	1,671.00
Occupancy Cost	18,136.25	18,136.25
Transportation	4,513.29	4,513.29
Client Costs	17,069.75	17,069.75
Totals	$ 170,885.86	$ 170,885.86

FINDINGS

We found that the accounting records were available to support those costs billed the department with the exception of those shown in the following schedule:

Item	Unsupported Costs	Disallowed Costs	Total
Salaries	$ ---	$ 18,844.73	$ 18,844.73
Fringe Benefits	3,535.86	3,664.33	7,200.19
Occupancy Costs	---	218.80	218.80
Transportation	---	599.94	599.94
Client Costs	1,850.73	----	1,850.73
Totals	$ 5,386.59	$ 23,327.80	$ 28,714.39

NOTE: Disallowed Costs are those found to be outside the limits of the contract, while unsupported costs are those for which no supporting documentation was available.

INTERNAL ACCOUNTING AND ADMINISTRATIVE CONTROLS

We noted that, although the contractor's system of internal accounting and administrative controls was generally satisfactory, improvements should be made in the following areas:

1. Cost allocations, especially in the area of salaries, should be improved to more properly allocate costs to specific contracts.

2. Expenses should be sumbitted to the Department for payment only after such costs are legally incurred. Certain occupancy costs were billed and paid for prior to their actual incurrence.

3. Improve the audit trail by cross-referencing checks to the paid invoices.

COMMENTS

ARE, Inc. should be aware that DHS has been billed, and paid for a security deposit on a lease of $2,500.00. Should ARE, Inc. be reimbursed for this deposit, the funds will be credited to DHS.

RECOMMENDATION

That ARE, Inc. reimburse DHS for all disallowed costs and those unsupported costs for which ARE, Inc. cannot provide justification, and take appropriate steps to immplinent the recommendations regarding internal accounting and administrative controls. Since this audit did not cover the entire contract period, a final report will be issued to indicate the full amount of disallowed costs under the contract.

ATTACHMENT #20

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
WASHINGTON D. C. 20001

IN REPLY REFER TO

Office of the Controller
801 N. Capitol Street, N.E.

Brenda S. Nixon
Executive Director
Associates for Renewal in Education, Inc.
The Edmonds School Building
9th & D Streets, N.E.
Washington, D.C. 20002

APR 24 1986

Dear Ms. Nixon:

In reference to your memorandum of March 7, 1986, regarding the Dupont I Audit and the subsequent follow-up review of personnel cost for the period April 1, 1985 - January 31, 1986, please be advised of the following:

> The salary and fringe benefits for Carlean Griffith, which we will allow as the contract manager for Dupont I is $1,718.81, (22% of $6,750.00 + 15.745% for fringe benefits). The disallowed salary and fringe benefit cost for the original audit period (May 18, 1984 - March 31, 1985) is $ 21,654.22, (23,373.03 - 1718.81).
>
> The follow-up review of personnel cost for the period (April 1, 1985 - January 31, 1986), disclosed an additional $ 3,101.33 of disallowed salary and fringe benefit cost due to excess billings. Therefore the total disallowed personnel costs is $24,755.55.
>
> Repayment of all disallowed personnel costs, in the amount of $ 24,755.55 is due immediately; however, repayment may be made in two equal installments. The first installment of $12,377.78 to be paid not later than close of business June 2, 1986, and the second installment of $ 12,377.77 to be paid not later than close of business July 1, 1986.

305

Repayment of the disallowed cost is to be made in the form of a certified or cashier's check and made payable to the D.C. Treasurer. The repayment checks should be forwarded to:

Department of Human Services
Office of the Controller
Suite 406 4th Floor
801 North Captiol Street, N.E.
Washington, D.C. 20002
Attn: Robert E. Allison, Deputy Controller

If you have any questions, regarding this matter please contact Robert Easterbrook on 727-3650.

Sincerely,

Robert E. Allison
Deputy Controller

ATTACHMENT #21

BOWIE STATE COLLEGE
Henry Administration Building
Bowie, Maryland 20715
(301) 464-3268

Office of the Provost and
Vice President for Academic Affairs

1 August 1985

Ms. Audrey Rowe
Commissioner of Social Services
Government of the District of Columbia
Department of Human Services
Washington, D.C. 20002

Dear Ms. Rowe:

Your letter of 31 July 1986 in which you request information about Bowie State College's accreditation and holding classes off campus is hereby acknowledged.

In response to your request Bowie State College is fully accredited by the Commission for Higher Education of the Middle States Association of Colleges and Schools and is authorized by the Maryland State Board of Higher Education and the Board of Trustees of Maryland State Universities and Colleges to offer classes off campus. To do so does not constitute a separate program requiring a request for additional accreditation.

Enclosed are copies of accreditation approvals which attest to the past and current status of the College in this report.

I hope this information will be helpful.

Sincerely,

John T. Wolfe, Jr.
Provost

ENCLOSURE
JTWJ/mkj

the commission on higher education
3624 Market Street
Philadelphia, PA 19104
msa middle states association of colleges and schools
215 662 5606

June 29, 1981

JUL 2 1981
BOWIE STATE COLLEGE

Dr. Rufus L. Barfield
Office of the President
Bowie State College
Bowie, Maryland 20715

Dear President Barfield:

At its sessions on June 24-27, 1981 the Commission on Higher Education of the Middle States Association of Colleges and Schools acted to reaffirm the accreditation of Bowie State College, and to request follow-up reports on October 1, 1982 and 1984 on: a) student enrollment, b) financial budgeting, accounting and reporting, c) academic programs and personnel, d) institutional planning, and e) institutional self-evaluation. The Commission also notes that at the present time the Periodic Review Report is due October 1, 1986.

* This accreditation applies to Bowie State College as described below: *

> Public [illegible] liberal arts, business administration, teacher education, and nursing, offering baccalaureate and master's degrees. Off-campus courses offered in various locations, including on military bases in Maryland. Professional accreditation in social work and teacher education (NCATE).

* *

If for any reason this description is inaccurate, please notify the Commission office immediately.

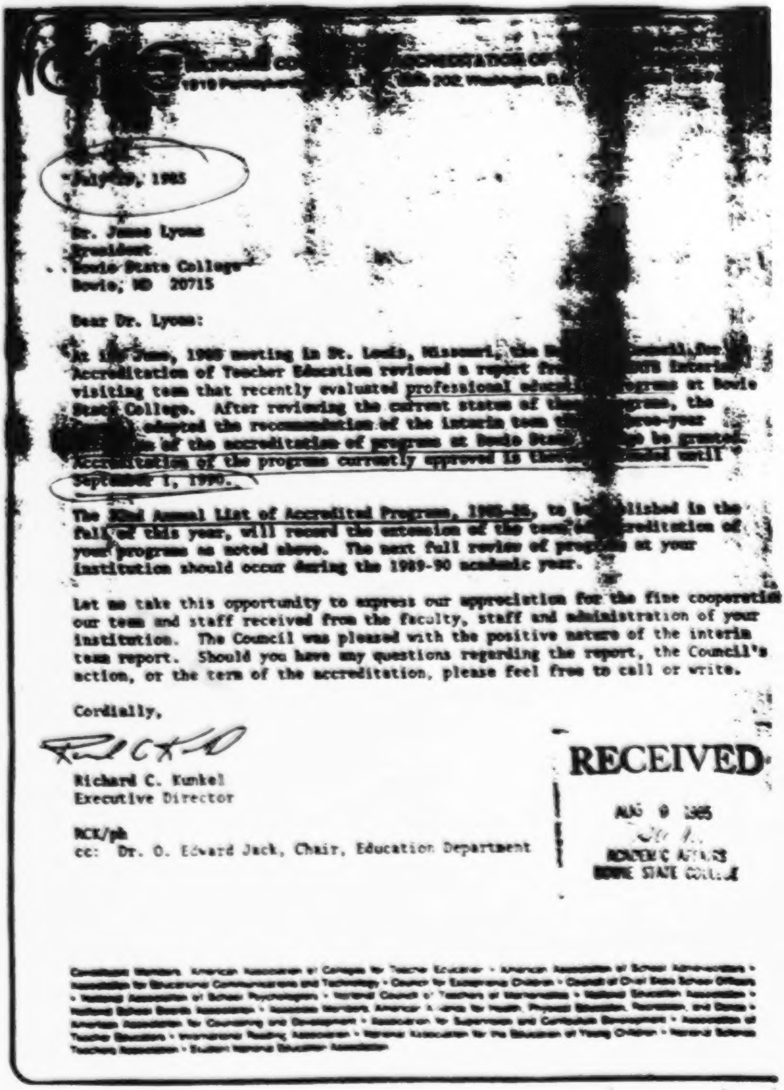
Please be assured of our continuing interest in Bowie State College. If at any time the Commission or its staff can be of assistance, please feel free to call on us. With best wishes, I remain

Sincerely,

Bruce Dearing

Bruce Dearing
Chairman

jc



NATIONAL CO[illegible] ACCREDITATION OF [illegible]
1919 Pennsylva[illegible] Suite 202 Washington, D.[illegible]

July [illegible], 1985

Dr. James Lyons
President
Bowie State College
Bowie, MD 20715

Dear Dr. Lyons:

At its June, 1985 meeting in St. Louis, Missouri, the N[illegible] Council for Accreditation of Teacher Education reviewed a report from [illegible] interim visiting team that recently evaluated professional educati[illegible] programs at Bowie State College. After reviewing the current status of the[illegible] programs, the [illegible] adopted the recommendation of the interim team th[illegible]hree-year [illegible] of the accreditation of programs at Bowie State [illegible] be granted. Accreditation of the programs currently approved is there[illegible]nded until September 1, 1990.

The [illegible] Annual List of Accredited Programs, 1985-86, to be [illegible]lished in the fall of this year, will record the extension of the term [illegible]ccreditation of your programs as noted above. The next full review of prog[illegible] at your institution should occur during the 1989-90 academic year.

Let me take this opportunity to express our appreciation for the fine cooperation our team and staff received from the faculty, staff and administration of your institution. The Council was pleased with the positive nature of the interim team report. Should you have any questions regarding the report, the Council's action, or the term of the accreditation, please feel free to call or write.

Cordially,

Richard C. Kunkel
Executive Director

RCK/ph
cc: Dr. O. Edward Jack, Chair, Education Department

RECEIVED
AUG 9 1985
ACADEMIC AFFAIRS
BOWIE STATE COLLEGE

Public Law 94-142
94th Congress, S. 6
November 29, 1975

An Act

To amend the Education of the Handicapped Act to provide educational assistance to all handicapped children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act of 1975".

Education for All Handicapped Children Act of 1975.
20 USC 1401 note.

EXTENSION OF EXISTING LAW

Sec. 2. (a)(1)(A) Section 611(b)(2) of the Education of the Handicapped Act (20 U.S.C. 1411(b)(2)) (hereinafter in this Act referred to as the "Act"), as in effect during the fiscal years 1976 and 1977, is amended by striking out "the Commonwealth of Puerto Rico,".

(B) Section 611(c)(1) of the Act (20 U.S.C. 1411(c)(1)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "the Commonwealth of Puerto Rico,".

(2) Section 611(c)(2) of the Act (20 U.S.C. 1411(c)(2)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "year ending June 30, 1975" and inserting in lieu thereof the following: "years ending June 30, 1975, and 1976, and for the fiscal year ending September 30, 1977", and by striking out "2 per centum" each place it appears therein and inserting in lieu thereof "1 per centum".

(3) Section 611(d) of the Act (20 U.S.C. 1411(d)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "year ending June 30, 1975" and inserting in lieu thereof the following: "years ending June 30, 1975, and 1976, and for the fiscal year ending September 30, 1977".

(4) Section 612(a) of the Act (20 U.S.C. 1412(a)), as in effect during the fiscal years 1976 and 1977, is amended—

(A) by striking out "year ending June 30, 1975" and inserting in lieu thereof "years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977"; and

(B) by striking out "fiscal year 1974" and inserting in lieu thereof "preceding fiscal year".

20 USC 1411 note.

(b)(1) Section 614(a) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1975" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,".

20 USC 1411 note.

(2) Section 614(b) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1974" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,".

20 USC 1413 note.

(3) Section 614(c) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1974" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,".

Ante, p. 773.

(c) Section 612(a) of the Act, as in effect during the fiscal years 1976 and 1977, and as amended by subsection (a)(4), is amended by inserting immediately before the period at the end thereof the following: ", or $300,000, whichever is greater".

20 USC 1412.

(d) Section 612 of the Act (20 U.S.C. 1411), as in effect during the fiscal years 1976 and 1977, is amended by adding at the end thereof the following new subsection:

Publication in Federal Register.

"(d) The Commissioner shall, no later than one hundred twenty days after the date of the enactment of the Education for All Handicapped Children Act of 1975, prescribe and publish in the Federal Register such rules as he considers necessary to carry out the provisions of this section and section 611.".

Ante, p. 773.
20 USC 1411 note.

(e) Notwithstanding the provisions of section 611 of the Act, as in effect during the fiscal years 1976 and 1977, there are authorized to be appropriated $100,000,000 for the fiscal year 1976, such sums as may be necessary for the period beginning July 1, 1976, and ending September 30, 1976, and $200,000,000 for the fiscal year 1977, to carry out the provisions of part B of the Act, as in effect during such fiscal years.

STATEMENT OF FINDINGS AND PURPOSE

20 USC 1401 note.

Sec. 3. (a) Section 601 of the Act (20 U.S.C. 1401) is amended by inserting "(a)" immediately before "This title" and by adding at the end thereof the following new subsections:

"(b) The Congress finds that—

"(1) there are more than eight million handicapped children in the United States today;

"(2) the special educational needs of such children are not being fully met;

"(3) more than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

"(4) one million of the handicapped children in the United States are excluded entirely from the public school system and will not go through the educational process with their peers;

"(5) there are many handicapped children throughout the United States participating in regular school programs whose handicaps prevent them from having a successful educational experience because their handicaps are undetected;

"(6) because of the lack of adequate services within the public school system, families are often forced to find services outside the public school system, often at great distance from their residence and at their own expense;

"(7) developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of handicapped children;

"(8) State and local educational agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate to meet the special educational needs of handicapped children; and

"(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection of the law.

"(c) It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.".

Ante, p. 775.

(b) The heading for section 601 of the Act (20 U.S.C. 1401) is amended to read as follows:

"SHORT TITLE; STATEMENT OF FINDINGS AND PURPOSE".

DEFINITIONS

SEC. 4. (a) Section 602 of the Act (20 U.S.C. 1402) is amended—

20 USC 1401.

(1) in paragraph (1) thereof, by striking out "crippled" and inserting in lieu thereof "orthopedically impaired", and by inserting immediately after "impaired children" the following: ", or children with specific learning disabilities,";

(2) in paragraph (5) thereof, by inserting immediately after "instructional materials," the following: "telecommunications, sensory, and other technological aids and devices,";

(3) in the last sentence of paragraph (15) thereof, by inserting immediately after "environmental" the following: ", cultural, or economic"; and

(4) by adding at the end thereof the following new paragraphs:

"(16) The term 'special education' means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

"(17) The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

"(18) The term 'free appropriate public education' means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under section 614(a)(5).

"(19) The term 'individualized education program' means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

"(20) The term 'excess costs' means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting (A) amounts received under this part or under title I or title VII of the Elementary and Secondary Education Act of 1965, and (B) any State or local funds expended for programs which would qualify for assistance under this part or under such titles.

20 USC 241a note, 881.

"(21) The term 'native language' has the meaning given that term by section 703(a)(2) of the Bilingual Education Act (20 U.S.C. 880b-1(a)(2)).

"(22) The term 'intermediate educational unit' means any public authority, other than a local educational agency, which is under the general supervision of a State educational agency, which is established by State law for the purpose of providing free public education on a regional basis, and which provides special education and related services to handicapped children within that State.".

(b) The heading for section 602 of the Act (20 U.S.C. 1402) is amended to read as follows:

"DEFINITIONS".

ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

SEC. 5. (a) Part B of the Act (20 U.S.C. 1411 et seq.) is amended to read as follows:

"PART B—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

"ENTITLEMENTS AND ALLOCATIONS

20 USC 1411. Post, p. 795.

"SEC. 611. (a)(1) Except as provided in paragraph (3) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

"(A) the number of handicapped children aged three to twenty-one, inclusive, in such State who are receiving special education and related services;

multiplied by—

"(B)(i) 5 per centum, for the fiscal year ending September 30, 1978, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(ii) 10 per centum, for the fiscal year ending September 30, 1979, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(iii) 20 per centum, for the fiscal year ending September 30, 1980, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(iv) 30 per centum, for the fiscal year ending September 30, 1981, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

"(v) 40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States;

except that no State shall receive an amount which is less than the amount which such State received under this part for the fiscal year ending September 30, 1977.

"(2) For the purpose of this subsection and subsection (b) through subsection (e), the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State."

"(3) The number of handicapped children receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on October 1 and February 1 of the fiscal year preceding the fiscal year for which the determination is made.

"(4) For purposes of paragraph (1)(B), the term 'average per pupil expenditure', in the United States, means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for such year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the United States (which, for purposes of this subsection, means the fifty States and the District of Columbia), as the case may be, plus any direct expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"Average per pupil expenditure."

"(5)(A) In determining the allotment of each State under paragraph (1), the Commissioner may not count—

"(i) handicapped children in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 per centum of the number of all children aged five to seventeen, inclusive, in such State;

"(ii) as part of such percentage, children with specific learning disabilities to the extent the number of such children is greater than one-sixth of such percentage; and

"(iii) handicapped children who are counted under section 121 of the Elementary and Secondary Education Act of 1965.

20 USC 241c-1.

"(B) For purposes of subparagraph (A), the number of children aged five to seventeen, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1978—

"(A) 50 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

"(B) 50 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with the priorities established under section 612(3).

"(2) Of the funds which any State may use under paragraph (1)(A)—

"(A) an amount which is equal to the greater of—

"(i) 5 per centum of the total amount of funds received under this part by such State; or

"(ii) $200,000;

may be used by such State for administrative costs related to carrying out sections 612 and 613;

"(B) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

"(c)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1979, and for each fiscal year thereafter—

"(A) 25 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

"(B) except as provided in paragraph (3), 75 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with priorities established under section 612(3).

"(2)(A) Subject to the provisions of subparagraph (B), of the funds which any State may use under paragraph (1)(A)—

"(i) an amount which is equal to the greater of—

"(I) 5 per centum of the total amount of funds received under this part by such State; or

"(II) $200,000;

may be used by such State for administrative costs related to carrying out the provisions of sections 612 and 613; and

"(ii) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

"(B) The amount expended by any State from the funds available to such State under paragraph (1)(A) in any fiscal year for the provision of support services or for the provision of direct services shall be matched on a program basis by such State, from funds other than Federal funds, for the provision of support services or for the provision of direct services for the fiscal year involved.

"(3) The provisions of section 613(a)(9) shall not apply with respect to amounts available for use by any State under paragraph (2).

"(4)(A) No funds shall be distributed by any State under this subsection in any fiscal year to any local educational agency or intermediate educational unit in such State if—

"(i) such local educational agency or intermediate educational unit is entitled, under subsection (d), to less than $7,500 for such fiscal year; or

"(ii) such local educational agency or intermediate educational unit has not submitted an application for such funds which meets the requirements of section 614.

"(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to handicapped children residing in the area served by such local educational agency or such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

"(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

"(e)(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) Each jurisdiction to which this subsection applies shall be entitled to a grant for the purposes set forth in section 601(c) in an amount equal to an amount determined by the Commissioner in accordance with criteria based on respective needs, except that the aggregate of the amount to which such jurisdictions are so entitled for any fiscal year shall not exceed an amount equal to 1 per centum of the aggregate of the amounts available to all States under this part for that fiscal year. If the aggregate of the amounts, determined by the Commissioner pursuant to the preceding sentence, to be so needed for any fiscal year exceeds an amount equal to such 1 per centum limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such 1 per centum limitation.

Ante, p. 774.

"(3) The amount expended for administration by each jurisdiction under this subsection shall not exceed 5 per centum of the amount allotted to such jurisdiction for any fiscal year, or $35,000, whichever is greater.

"(f)(1) The Commissioner is authorized to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payment for any fiscal year shall not exceed 1 per centum of the aggregate amounts available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior may receive an allotment under this subsection only after submitting to the Commissioner an application which meets the applicable requirements of section 614(a) and which is approved by the Commissioner. The provisions of section 616 shall apply to any such application.

"(g)(1) If the sums appropriated for any fiscal year for making payments to States under this part are not sufficient to pay in full the total amounts which all States are entitled to receive under this part for such fiscal year, the maximum amounts which all States are entitled to receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(2) In the case of any fiscal year in which the maximum amounts for which States are eligible have been reduced under the first sentence of paragraph (1), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d), which it estimates that it will expend in accordance with the provisions of this part. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this part, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies or intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.

"ELIGIBILITY

20 USC 1412.

"Sec. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met:

"(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

"(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

"(A) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

"(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

"(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(D) policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

"(E) the amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

"(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

"(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

"(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

Administration.

"(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency.

Notice, hearings.

"(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613.

"STATE PLANS

20 USC 1413.

"Sec. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

"(1) set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

"(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2), section 305(b)(8) of such Act (20 U.S.C. 844a(b)(8)) or its successor authority, and section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

20 USC 241c-1.

"(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

"(4) set forth policies and procedures to assure—

"(A) that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

"(B) that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

"(5) set forth policies and procedures which assure that the State shall seek to recover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

"(6) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

Reports and records.

"(7) provide for (A) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

Notice, hearings.

"(8) provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shall not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing;

"(9) provide satisfactory assurance that Federal funds made available under this part (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

"(10) provide, consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies and intermediate educational units;

Evaluation. "(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617; and

State advisory panel. "(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his responsibilities under section 618.

"(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

"(c) The Commissioner shall approve any State plan and any modification thereof which—

"(1) is submitted by a State eligible in accordance with section 612; and

"(2) meets the requirements of subsection (a) and subsection (b).

Notice, hearings. The Commissioner shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPLICATION

20 USC 1414. "Sec. 614. (a) A local educational agency or an intermediate educational unit which desires to receive payments under section 611(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall—

"(1) provide satisfactory assurance that payments under this part will be used for excess costs directly attributable to programs which—

"(A) provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services;

"(B) establish policies and procedures in accordance with detailed criteria prescribed under section 617(c);

"(C) establish a goal of providing full educational opportunities to all handicapped children, including—

"(i) procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency under section 613(a)(3);

"(ii) the provision of, and the establishment of priorities for providing, a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education;

"(iii) the participation and consultation of the parents or guardian of such children; and

"(iv) to the maximum extent practicable and consistent with the provisions of section 612(5)(B), the provision of special services to enable such children to participate in regular educational programs;

"(D) establish a detailed timetable for accomplishing the goal described in subclause (C); and

"(E) provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal described in subclause (C);

"(2) provide satisfactory assurance that (A) the control of funds provided under this part, and title to property derived from such funds, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property, (B) Federal funds expended by local educational agencies and intermediate educational units for programs under this part (i) shall be used to pay only the excess costs directly attributable to the education of handicapped children, and (ii) shall be used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant such State and local funds, and (C) State and local funds will be used in the jurisdiction of the local educational agency or intermediate educational unit to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction which are not receiving funds under this part;

"(3)(A) provide for furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in programs carried out under this part; and

Recordkeeping.

"(B) provide for keeping such records, and provide for affording such access to such records, as the State educational agency may find necessary to assure the correctness and verification of such information furnished under subclause (A);

Public information, availability.

"(4) provide for making the application and all pertinent documents related to such application available to parents, guardians, and other members of the general public, and provide that all evaluations and reports required under clause (3) shall be public information;

"(5) provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually;

"(6) provide satisfactory assurance that policies and programs established and administered by the local educational agency or intermediate educational unit shall be consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a); and

"(7) provide satisfactory assurance that the local educational agency or intermediate educational unit will establish and maintain procedural safeguards in accordance with the provisions of sections 612(5)(B), 612(5)(C), and 615.

Application approval.

"(b)(1) A State educational agency shall approve any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application meets the requirements of subsection (a), except that no such application may be approved until the State plan submitted by such State educational agency under subsection (a) is approved by the Commissioner under section 613(c). A State educational agency shall disapprove any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application does not meet the requirements of subsection (a).

Notice, hearing.

"(2)(A) Whenever a State educational agency, after reasonable notice and opportunity for a hearing, finds that a local educational agency or an intermediate educational unit, in the administration of an application approved by the State educational agency under paragraph (1), has failed to comply with any requirement set forth in such application, the State educational agency, after giving appropriate notice to the local educational agency or the intermediate educational unit, shall—

"(i) make no further payments to such local educational agency or such intermediate educational unit under section 620 until the State educational agency is satisfied that there is no longer any failure to comply with the requirement involved; or

"(ii) take such finding into account in its review of any application made by such local educational agency or such intermediate educational unit under subsection (a).

"(B) The provisions of the last sentence of section 616(a) shall apply to any local educational agency or any intermediate educational unit receiving any notification from a State educational agency under this paragraph.

"(3) In carrying out its functions under paragraph (1), each State educational agency shall consider any decision made pursuant to a hearing held under section 615 which is adverse to the local educational agency or intermediate educational unit involved in such decision.

"(c)(1) A State educational agency may, for purposes of the consideration and approval of applications under this section, require local educational agencies to submit a consolidated application for payments if such State educational agency determines that any individual application submitted by any such local educational agency will be disapproved because such local educational agency is ineligible to receive payments because of the application of section 611(c)(4)(A)(i) or such local educational agency would be unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of handicapped children.

"(2)(A) In any case in which a consolidated application of local educational agencies is approved by a State educational agency under paragraph (1), the payments which such local educational agencies may receive shall be equal to the sum of payments to which each such local educational agency would be entitled under section 611(d) if an individual application of any such local educational agency had been approved.

"(B) The State educational agency shall prescribe rules and regulations with respect to consolidated applications submitted under this subsection which are consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a) and which provide participating local educational agencies with joint responsibilities for implementing programs receiving payments under this part.

Rules and regulations.

"(C) In any case in which an intermediate educational unit is required pursuant to State law to carry out the provisions of this part, the joint responsibilities given to local educational agencies under subparagraph (B) shall not apply to the administration and disbursement of any payments received by such intermediate educational unit. Such responsibilities shall be carried out exclusively by such intermediate educational unit.

"(d) Whenever a State educational agency determines that a local educational agency—

"(1) is unable or unwilling to establish and maintain programs of free appropriate public education which meet the requirements established in subsection (a);

"(2) is unable or unwilling to be consolidated with other local educational agencies in order to establish and maintain such programs; or

"(3) has one or more handicapped children who can best be served by a regional or State center designed to meet the needs of such children;

the State educational agency shall use the payments which would have been available to such local educational agency to provide special education and related services directly to handicapped children residing in the area served by such local educational agency. The State educational agency may provide such education and services in such manner, and at such locations (including regional or State centers), as it considers appropriate, except that the manner in which such education and services are provided shall be consistent with the requirements of this part.

"(e) Whenever a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all handicapped children residing in the area served by such agency with State and local funds otherwise available to such agency, the State educational agency may reallocate funds (or such portion of those funds as may not be required to provide such education and services) made available to such agency, pursuant to section 611(d), to such other local educational agencies within the State as are not adequately providing special education and related services to all handicapped children residing in the areas served by such other local educational agencies.

Funds, reallocation.

"(f) Notwithstanding the provisions of subsection (a)(2)(B)(ii), any local educational agency which is required to carry out any program for the education of handicapped children pursuant to a State law shall be entitled to receive payments under section 611(d) for use in carrying out such program, except that such payments may not be used to reduce the level of expenditures for such program made by such local educational agency from State or local funds below the level of such expenditures for the fiscal year prior to the fiscal year for which such local educational agency seeks such payments.

"PROCEDURAL SAFEGUARDS

20 USC 1415.

"Sec. 615. (a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

"(b)(1) The procedures required by this section shall include, but shall not be limited to—

"(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency, or intermediate educational unit involved in the education or care of the child) to act as a surrogate for the parents or guardian;

"(C) written prior notice to the parents or guardian of the child whenever such agency or unit—

"(i) proposes to initiate or change, or

"(ii) refuses to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

"(D) procedures designed to assure that the notice required by clause (C) fully inform the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

"(E) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

Hearing.

"(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

"(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

"(d) Any party to any hearing conducted pursuant to subsections (b) and (c) shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 613(a)(12)).

"(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) shall be final, except that any party may bring an action under paragraph (2) of this subsection.

"(2) Any party aggrieved by the findings and decision made under subsection (b) who does not have the right to an appeal under subsection (c), and any party aggrieved by the findings and decision under subsection (c), shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

Civil action.

"(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

"(4) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

District court jurisdiction.

"WITHHOLDING AND JUDICIAL REVIEW

"Sec. 616. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or intermediate educational unit affected by any failure described in clause (2)), finds—

Notice, hearing.
20 USC 1416.

"(1) that there has been a failure to comply substantially with any provision of section 612 or section 613, or

"(2) that in the administration of the State plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local educational agency or intermediate educational unit approved by the State educational agency pursuant to the State plan,

the Commissioner (A) shall, after notifying the State educational agency, withhold any further payments to the State under this part, and (B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within his jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children. If the Commissioner withholds further payments under clause (A) or clause (B) he may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the Commissioner is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in clause (1) or clause (2), no further payments shall be made to the State under this part or under the Federal programs specified in section 613(a)(2) within his jurisdiction to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children, or payments by the State educational agency under this part shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

Petition for review.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to its State plan submitted under section 613, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"ADMINISTRATION

"Sec. 617. (a)(1) In carrying out his duties under this part, the Commissioner shall— 20 USC 1417.

"(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of handicapped children and the execution of the provisions of this part;

"(B) provide such short-term training programs and institutes as are necessary;

"(C) disseminate information, and otherwise promote the education of all handicapped children within the States; and

"(D) assure that each State shall, within one year after the date of the enactment of the Education for All Handicapped Children Act of 1975, provide certification of the actual number of handicapped children receiving special education and related services in such State.

"(2) As soon as practicable after the date of the enactment of the Education for All Handicapped Children Act of 1975, the Commissioner shall, by regulation, prescribe a uniform financial report to be utilized by State educational agencies in submitting State plans under this part in order to assure equity among the States. Regulations.

"(b) In carrying out the provisions of this part, the Commissioner (and the Secretary, in carrying out the provisions of subsection (c)) shall issue, not later than January 1, 1977, amend, and revoke such rules and regulations as may be necessary. No other less formal method of implementing such provisions is authorized.

"(c) The Secretary shall take appropriate action, in accordance with the provisions of section 438 of the General Education Provisions Act, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Commissioner and by State and local educational agencies pursuant to the provisions of this part. 20 USC 1232g.

"(d) The Commissioner is authorized to hire qualified personnel necessary to conduct data collection and evaluation activities required by subsections (b), (c) and (d) of section 618 and to carry out his duties under subsection (a)(1) of this subsection without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates except that no more than twenty such personnel shall be employed at any time. 5 USC 5101, 5331.

"EVALUATION

"Sec. 618. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this part and the effectiveness of State efforts to assure the free appropriate public education of all handicapped children. 20 USC 1418.

"(b) The Commissioner shall conduct, directly or by grant or contract, such studies, investigations, and evaluations as are necessary to assure effective implementation of this part. In carrying out his responsibilities under this section, the Commissioner shall—

"(1) through the National Center for Education Statistics, provide to the appropriate committees of each House of the Congress and to the general public at least annually, and shall update at least annually, programmatic information concerning programs and projects assisted under this part and other Federal programs supporting the education of handicapped children, and such information from State and local educational agencies and other appropriate sources necessary for the implementation of this part, including—

"(A) the number of handicapped children in each State, within each disability, who require special education and related services;

"(B) the number of handicapped children in each State, within each disability, receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

"(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes or separate school facilities, or who have been otherwise removed from the regular education environment;

"(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

"(E) the amount of Federal, State, and local expenditures in each State specifically available for special education and related services; and

"(F) the number of personnel, by disability category, employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act; and

"(2) provide for the evaluation of programs and projects assisted under this part through—

"(A) the development of effective methods and procedures for evaluation;

"(B) the testing and validation of such evaluation methods and procedures; and

"(C) conducting actual evaluation studies designed to test the effectiveness of such programs and projects.

"(c) In developing and furnishing information under subclause (E) of clause (1) of subsection (b), the Commissioner may base such information upon a sampling of data available from State agencies, including the State educational agencies, and local educational agencies.

Report, transmittal to congressional committees.

"(d)(1) Not later than one hundred twenty days after the close of each fiscal year, the Commissioner shall transmit to the appropriate committees of each House of the Congress a report on the progress being made toward the provision of free appropriate public education to all handicapped children, including a detailed description of all evaluation activities conducted under subsection (b).

Contents.

"(2) The Commissioner shall include in each such report—

"(A) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children in day or residential facilities;

"(B) any recommendations for change in the provisions of this part, or any other Federal law providing support for the education of handicapped children; and

"(C) an evaluation of the effectiveness of the procedures undertaken by each such agency or unit to prevent erroneous classification of children as eligible to be counted under section 611, including actions undertaken by the Commissioner to carry out provisions of this Act relating to such erroneous classification.

In order to carry out such analyses and evaluations, the Commissioner shall conduct a statistically valid survey for assessing the effectiveness of individualized educational programs.

"(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

"INCENTIVE GRANTS

"Sec. 619. (a) The Commissioner shall make a grant to any State which— 20 USC 1419.

"(1) has met the eligibility requirements of section 612;

"(2) has a State plan approved under section 613; and

"(3) provides special education and related services to handicapped children aged three to five, inclusive, who are counted for the purposes of section 611(a)(1)(A).

The maximum amount of the grant for each fiscal year which a State may receive under this section shall be $300 for each such child in that State.

"(b) Each State which—

"(1) has met the eligibility requirements of section 612,

"(2) has a State plan approved under section 613, and

"(3) desires to receive a grant under this section,

shall make an application to the Commissioner at such time, in such manner, and containing or accompanied by such information, as the Commissioner may reasonably require.

"(c) The Commissioner shall pay to each State having an application approved under subsection (b) of this section the amount to which the State is entitled under this section, which amount shall be used for the purpose of providing the services specified in clause (3) of subsection (a) of this section.

"(d) If the sums appropriated for any fiscal year for making payments to States under this section are not sufficient to pay in full the maximum amounts which all States may receive under this part for such fiscal year, the maximum amounts which all States may receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(e) In addition to the sums necessary to pay the entitlements under section 611, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

"PAYMENTS

"Sec. 620. (a) The Commissioner shall make payments to each State in amounts which the State educational agency of such State is eligible to receive under this part. Any State educational agency receiving payments under this subsection shall distribute payments 20 USC 1420.

to the local educational agencies and intermediate educational units of such State in amounts which such agencies and units are eligible to receive under this part after the State educational agency has approved applications of such agencies or units for payments in accordance with section 614(b).

"(b) Payments under this part may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.".

Regulations. 20 USC 1411 note.

(b)(1) The Commissioner of Education shall, no later than one year after the effective date of this subsection, prescribe—

(A) regulations which establish specific criteria for determining whether a particular disorder or condition may be considered a specific learning disability for purposes of designating children with specific learning disabilities;

(B) regulations which establish and describe diagnostic procedures which shall be used in determining whether a particular child has a disorder or condition which places such child in the category of children with specific learning disabilities; and

(C) regulations which establish monitoring procedures which will be used to determine if State educational agencies, local educational agencies, and intermediate educational units are complying with the criteria established under clause (A) and clause (B).

Proposed regulation, submittal to congressional committees. Publication in Federal Register.

(2) The Commissioner shall submit any proposed regulation written under paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate, for review and comment by each such committee, at least fifteen days before such regulation is published in the Federal Register.

20 USC 1401.

(3) If the Commissioner determines, as a result of the promulgation of regulations under paragraph (1), that changes are necessary in the definition of the term "children with specific learning disabilities", as such term is defined by section 602(15) of the Act, he shall submit recommendations for legislation with respect to such changes to each House of the Congress.

Definitions.

(4) For purposes of this subsection:

(A) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural, or economic disadvantage.

(B) The term "Commissioner" means the Commissioner of Education.

20 USC 1411.

(c) Effective on the date upon which final regulations prescribed by the Commissioner of Education under subsection (b) take effect, the amendment made by subsection (a) is amended, in subparagraph (A) of section 611(a)(5) (as such subparagraph would take effect on the effective date of subsection (a)), by adding "and" at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii).

AMENDMENTS WITH RESPECT TO EMPLOYMENT OF HANDICAPPED INDIVIDUALS, REMOVAL OF ARCHITECTURAL BARRIERS, AND MEDIA CENTERS

SEC. 6. (a) Part A of the Act is amended by inserting after section 605 thereof the following new sections: 20 USC 1404.

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

"SEC. 606. The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified handicapped individuals in programs assisted under this Act. 20 USC 1405.

"GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

"SEC. 607. (a) Upon application by any State or local educational agency or intermediate educational unit the Commissioner is authorized to make grants to pay part or all of the cost of altering existing buildings and equipment in the same manner and to the same extent as authorized by the Act approved August 12, 1968 (Public Law 90-480), relating to architectural barriers. 20 USC 1406.

"(b) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary.". Appropriation authorization.

(b) Section 653 of the Act (20 U.S.C. 1453) is amended to read as follows:

"CENTERS ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

"SEC. 653. (a) The Secretary is authorized to enter into agreements with institutions of higher education, State and local educational agencies, or other appropriate nonprofit agencies, for the establishment and operation of centers on educational media and materials for the handicapped, which together will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing, developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in such agreements. Any such agreement shall—

"(1) provide that Federal funds paid to a center will be used solely for such purposes as are set forth in the agreement; and

"(2) authorize the center involved, subject to prior approval by the Secretary, to contract with public and private agencies and organizations for demonstration projects.

"(b) In considering proposals to enter into agreements under this section, the Secretary shall give preference to institutions and agencies—

"(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

"(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89-694). 80 Stat. 1027.

"(c) The Secretary shall make an annual report on activities carried out under this section which shall be transmitted to the Congress.". Report to Congress.

CONGRESSIONAL DISAPPROVAL OF REGULATIONS

Sec. 7. (a)(1) Section 431(d)(1) of the General Education Provisions Act (20 U.S.C. 1232(d)(1)) is amended by inserting "final" immediately before "standard" each place it appears therein.

(2) The third sentence of section 431(d)(2) of such Act (20 U.S.C. 1232(d)(2)) is amended by striking out "proposed" and inserting in lieu thereof "final".

(3) The fourth and last sentences of section 431(d)(2) of such Act (20 U.S.C. 1232(d)(2)) each are amended by inserting "final" immediately before "standard".

(b) Section 431(d)(1) of the General Education Provisions Act (20 U.S.C. 1232(d)(1)) is amended by adding at the end thereof the following new sentence: "Failure of the Congress to adopt such a concurrent resolution with respect to any such final standard, rule, regulation, or requirement prescribed under any such Act, shall not represent, with respect to such final standard, rule, regulation, or requirement, an approval or finding of consistency with the Act from which it derives its authority for any purpose, nor shall such failure to adopt a concurrent resolution be construed as evidence of an approval or finding of consistency necessary to establish a prima facie case, or an inference or presumption, in any judicial proceeding.".

EFFECTIVE DATES

20 USC 1411 note.

Sec. 8. (a) Notwithstanding any other provision of law, the amendments made by sections 2(a), 2(b), and 2(c) shall take effect on July 1, 1975.

(b) The amendments made by sections 2(d), 2(e), 3, 6, and 7 shall take effect on the date of the enactment of this Act.

(c) The amendments made by sections 4 and 5(a) shall take effect on October 1, 1977, except that the provisions of clauses (A), (C), (D), and (E) of paragraph (2) of section 612 of the Act, as amended by this Act, section 617(a)(1)(D) of the Act, as amended by this Act, section 617(b) of the Act, as amended by this Act, and section 618(a) of the Act, as amended by this Act, shall take effect on the date of the enactment of this Act.

(d) The provisions of section 5(b) shall take effect on the date of the enactment of this Act.

Approved November 29, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-332 accompanying H.R. 7217 (Comm. on Education and Labor) and 94-664 (Comm. of Conference).
SENATE REPORTS: No. 94-168 (Comm. on Labor and Public Welfare) and No. 94-455 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 18, considered and passed Senate.
July 21, 29, considered and passed House, amended, in lieu of H.R. 7217.
Nov. 18, House agreed to conference report.
Nov. 19, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 49:
Dec. 2, Presidential statement.